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PROCEEDINGS AND DEBATES OF THE 102d CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Tuesday, January 15, 1991*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

On this day, O gracious God, when the Nation recalls the birth of Martin Luther King, Jr. we remember with gratitude the great gift of nonviolence and the power of that gift in the lives of people and nations. Yet we know too that because some seek selfish advantage over others that this goal of reconciliation can be lost in anger and hatred among peoples and in the flames of war among nations.

In spite of all the world's alarms, we pray, O God, that justice will be the shared goal of people of good will and peace their common gift.

We pray for those who are separated from home and family by all the tensions in the world. We remember the members of the armed services and their families. Gracious God, who gives life and light, keep them always in Your grace.

Especially do we pray for our President and all the leaders of the nations. May your spirit that brought the whole world into being be with them and encourage them to serve with faithfulness and honor in the cause of peace.

And may each of us, O God, so live our lives that we will do justice, love mercy, and ever walk humbly with You.

This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Mississippi [Mr. MONTGOMERY] please come forward and lead the House in the Pledge of Allegiance.

Mr. MONTGOMERY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

A DAY OF DISCORDANCE

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, today is a day of discordance and dissonance. It is a day out of joint.

I just flew back to Washington from home and came into Washington across the Potomac River. A beautiful, sunny day outside, with the sunlight glinting off the Potomac, with the beautiful walkways and the beautiful green lawns. Yet today our Nation could go to war.

Today is the day we celebrate Martin Luther King, a man of peace, a man of nonviolence, and yet today is also the deadline day for what could be a war in the Middle East and the Gulf of Persia.

I take the well really to, as our distinguished Speaker did last Saturday, pray for President Bush, to pray for him to have the wisdom, and the insight and the courage that it takes to handle these weighty burdens. But also to pray that, if there is the least glimmer of hope that some other solution to the gulf crisis can be reached than a war or a military solution, that the President would exercise that courage and wisdom and insight and stand back from the precipice of war, and take the route of nonwar and nonviolence.

Once again, whatever happens, we have to stand behind the men and women in the gulf, and we certainly give them our respect and our love.

SADDAM'S NEWEST HUMAN SHIELDS

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, once again Saddam Hussein is showing that he has absolutely no concern for human life by making innocent Kuwaiti and Iraqi women and children become human shields should a war break out—a war he, and only he, will be responsible for starting.

Responsible, caring leaders would make an effort to remove innocent civilians from military targets. Recall how thousands of British children were sent away from industrial centers to the countryside for their safety in World War II.

Saddam Hussein is doing just the opposite. He has deliberately placed hospitals next to military bases. He is deliberately placing thousands of innocent Kuwaiti and Iraqi civilians—including little children—at strategic targets. He doesn't care about them. He just wants to see them killed so that his propaganda machine can show the carnage on the news and blame us. To him the sadistic show must go on.

Saddam is 100 percent responsible for the fate of these civilians. He is forcing them at gunpoint into harm's way. Any harm to them is fully his fault. We will share in the remorse, but not in the guilt.

ANNUNZIO PRAISES SUPREME COURT SUPPORT OF MACHINE-GUN BAN

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, I rise to praise Monday's action by the U.S. Supreme Court to uphold our law banning the sale of machineguns.

In 1986, the Congress acted to get these weapons off the streets. Our goal was to cut the risk to innocent citizens and police officers.

The Court acted wisely in upholding the ban. It makes no sense to allow sales of automatic weapons. They serve no useful purpose outside our Armed Forces.

Furthermore, FBI crime reports show that we need tougher enforcement of this law to stem our rising murder rate.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

In 1989, nearly 21,500 Americans fell victim to homicides. During the first 6 months of 1990, our murder rate rose by nearly 8 percent.

These numbers tell a sad story that more than justifies the need for controls on automatic weapons.

IT IS UP TO SADDAM HUSSEIN TO PREVENT WAR

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, everyone in the world has seen the handwriting on the wall except Saddam Hussein. From the very beginning, the entire world voiced its outrage in many, many different ways, including 12 separate resolutions in front of the United Nations where in one form or another Saddam Hussein was told that he cannot prevail in this outrage in Kuwait.

The Congress of the United States just recently, backing its President to enforce the resolutions of the United Nations, sent another clear message. What more can the world do? Practically nothing.

It is up to Saddam Hussein himself to stand back, to see the terror and the horror that he himself has already caused and is potentially able to cause if he should pursue his course.

The handwriting on the wall should be read by him and his generals and his diplomats and his people for one last chance for peace. We beg of the world to send one more clear message to Saddam: Stand back from this terror. It is your fault that we have come this far. Stand back now before it is too late.

MILITARY FORCE HAS NO PLACE IN LITHUANIA

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of California. Mr. Speaker, this past Sunday we saw the Soviet Union take a dramatic step backward in the process of democratization. Despite the progress the Soviet Government has made under Mikhail Gorbachev in recent years, this weekend's tragedy in Vilnius, Lithuania shows that true openness is still more a goal than a reality in the Baltic States.

There can be no doubt that Mikhail Gorbachev has played a lead role in bringing an end to the cold war. In fact, the independence the Eastern European nations enjoy today is a testament to President Gorbachev's understanding that the citizens of these countries must choose their own governments. These breakthroughs in Eastern Europe helped earn a Nobel Prize for President Gorbachev.

Sadly, President Gorbachev has not applied this understanding to the republics within the Soviet Union. When confronted with a democratic movement in Lithuania, the Soviet leader did not react with a policy negotiation. Instead, we saw a tragic scene repeated from the past as tanks rolled into Vilnius, killing 14 Lithuanians. This is hardly the type of response the international community expects from a Nobel peace laureate.

While the United States must continue to support the program of reforms in the Soviet Union, we also must make it clear that above all else, we support self-determination for all Soviet citizens. President Bush has already condemned the violence in Lithuania, and I urge him to make it clear to the Soviet leadership that continued cooperation from the United States is tied to the recognition of legitimate democratic movements within the Soviet republics.

Lithuania, with its history of independence, has a particularly strong case for establishing its own democracy. The growth of democratic movements in other Baltic States only reinforces the need for the United States to take a clear stand now against the use of violence as a tool for resolving this conflict.

President Gorbachev has a significant record of accomplishment which risks being tarnished by the use of military force. Self-determination is a fundamental part of any reform effort. I urge President Gorbachev to honor his commitment to continued reforms by searching for peaceful ways to address the desire of the Lithuanian people to choose their own government. Any other approach must be condemned by the United States.

THE PERSIAN GULF CRISIS

(Mr. YOUNG of Alaska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, the laws of God and man were violated when Saddam Hussein and his Iraqi forces annexed the country of Kuwait and killed many of its people.

Today, the difference between peace and war—life and death—will likely be determined.

I am a man of peace but I will support the use of military force as a last resort. I believe it is the duty of the civilized nations of the world to unite in order to halt the illegal invasion of Kuwait and further aggressions. Crimes against humanity have been committed and cannot go unpunished.

Saddam has two choices: To continue to defy the world and force the coalition to go to war, or to withdraw his troops—reduce the risk of military force—and face the consequences of his evil acts.

Saturday's vote authorizing the President to send U.S. troops into combat if necessary sent a clear message that the American public supports the President's Persian Gulf policies. Moreover, that Congress supports the goals set out by the U.N. resolutions opposing the actions of Iraq.

It has been reported that some allies are not paying their fair share during this crisis—that the United States is once again shouldering the greatest financial burden. In order to address this problem, I have joined Congressman JERRY HUCKABY in cosponsoring House Concurrent Resolution 34. This resolution calls for the President to determine a fair burden-sharing plan. Countries which are benefiting from military protection—and have the money to do so—should contribute significantly.

Peace or war, I pray to God that President Bush and other world leaders have the strength to confront this crisis in a wise and honorable manner.

God bless our troops and God bless America.

□ 1210

IT WILL NOT BE BUSINESS AS USUAL WITH THE SOVIET UNION

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KENNELLY. Mr. Speaker, yesterday the whole world waited to hear what the response of Soviet President Mikhail Gorbachev would be to the violence in Lithuania over the weekend. We heard the surprising fact that he was asleep, that he did not order the action against the Lithuanian people. That was a surprise.

But what was unfortunately more disturbing, in fact very upsetting, was that he then went on to say it was the Lithuanians themselves that caused the trouble and ended up with the violence.

Of course, we are all disappointed that reform in the Soviet Union is not going as smoothly as some might hope where, in fact, as Gorbachev told us it would. But he must know right now that we will not overlook this activity in the Baltic States.

So many of us grew up in communities and had friends and neighbors who were of Baltic heritage, Lithuanians, Estonians, Latvians. These individuals, heartbroken over what happened to their countries, kept their tradition going, taught their children the dances, the language, they paid tribute to their country and hoped that it someday would be free. They never lost faith, and many of us joined with them and said, "We are with you for freedom for your countries."

The time now has come that that freedom should be allowed, that these

countries, these Baltic lands, should join the Hungarys and the Czechoslovakias, and so we in the Congress say it will not be business as usual. We will not share our largesse with the Soviet Union. It will not be most favored nation. It will not be the way we wanted it to be, a new friendship, not if the Baltics have violence on top of all that has happened in the past.

MOSCOW MUST HEED AMERICA'S WARNINGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. BEREUTER] is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, over the weekend as the eyes of the world understandably have been focused on Kuwait and the Persian Gulf region, a tragedy has occurred and is occurring in the tiny Baltic republics. On Saturday the first live shots were fired in an effort to put to an end the struggle for true self-determination in these tiny nations. People have been killed. Soviet soldiers and Soviet tanks have moved aggressively into the Lithuanian capital of Vilnius and are slowly and inexorably attempting to put to an end the independence movement there.

This repressive move is cynically timed when the world's attention is focused on the crisis in the Persian Gulf area.

Last night the violence spread to neighboring Latvia. Special forces of the Soviet military seized control of the national police academy and issued instructions for police officers to hand in their weapons. When Latvians set up cars and trucks at roadblocks, the Soviet Army firebombed and shot out the tires of these vehicles.

There are now reports of Soviet troop movements near the Estonian border.

In all three of the Baltic States, a large and volatile collection of Communist Party hacks and retired military officers have joined together to form pro-Moscow national salvation fronts. These fronts have demanded that they be allowed to replace the legally elected governments of Latvia and Lithuania and cause them to resign.

Mr. Speaker, in short, these shadowy pro-Moscow groups are seeking a return to the bad old days, and the bad old days when Stalin annexed these Baltic States.

Mr. Speaker, this is horrifyingly reminiscent of 1940 when Josef Stalin seized the Baltic States. In 1940, after the signing of the infamous Molotov-Ribbentrop pact, Stalin, with Hitler's agreement, grabbed the independent nations of Latvia, Lithuania, and Estonia while the world's attention was focused elsewhere. It is beginning to happen again, Mr. Speaker, and it is no accident, Mr. Speaker, that the first targets in this campaign have been the independent radio stations, television stations, and the printing presses. It is an attempt to silence Moscow's opponents and keep the world in the dark.

Soviet General Secretary Mikhail Gorbachev has insisted that he is not responsible for this crackdown. Indeed, he has argued that it is the people of Latvia and Lithuania that have initiated the violence and that Soviet military forces only responded after they were attacked. This is predictable, but it is absolutely not true.

Understandably, the central government of Moscow is trying to confuse the issue and disassociate itself from the violence in the Baltic States. I have no doubt, Mr. Speaker, that President Mikhail Gorbachev would have liked to have averted violence. I am quite sure that he did not want to deal with the bullet-riddled bodies of unarmed civilians, but he cannot deny responsibility for what is occurring.

Clearly Mr. Gorbachev intends to reassert control over the Baltic States, and the events leading up to this crackdown make it clear that this is an orchestrated effort to quash the self-determination movements in Latvia, Lithuania, and Estonia.

President Gorbachev cannot convincingly wash his hands of this matter. If it was true that he did not authorize or condone this action, then it raises grave doubts for the United States and the world whether he has sufficient control over the Soviet military to ensure his nation's compliance with the CFE Treaty and START, which is expected to be agreed to soon. This is an even more troubling matter than the heavy-handed repression of the Baltic States where he protests his noninvolvement.

This crackdown is the desperate action of an empire that no longer has the support of its people. It is reprehensible, and this body must condemn in the strongest possible terms the violence in the Baltic States.

The Soviet Union must be made to understand that the world will not ignore repression in the Baltic States, will not permit it to continue. This body must make it clear that these actions will have grave consequences.

The United States has sought to be a good friend and a supporter of Mikhail Gorbachev in his reform efforts, but it will be very, very difficult, and I would say impossible, Mr. Speaker, for this Member and the Congress to remain supportive of Mikhail Gorbachev if the repression in the Baltics continues.

We understand his need to stop the disintegration of the Soviet Union, but these three Baltic States are not a part of the Soviet Union, and he should draw the line around them.

Mr. Speaker, this Member joins with the many Members of this body who have come to the well in the past few days to condemn the violence in the Baltic States. This Member would urge in the strongest terms that Moscow heed America's warnings and those of the world community and permit the states of Latvia, Lithuania, and Estonia to pursue true self-determination.

□ 1220

Let the citizens of these captured nations go free.

DISTURBED WITH NATIONAL NEWS MEDIA

(Mr. HANCOCK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANCOCK. Mr. Speaker, I rise today to express my outrage at the national news media which have in this time of crisis worked overtime, it would seem, to undermine public support for the President.

Their morbid obsession with the certain tragedy of war is designed to do nothing less than give aid and comfort to our enemies by unnerving the American people—especially the families of our troops. War is scary enough without it. What purpose does it serve?

This behavior is a far cry from the days of World War II when the news media supported our Armed Forces. Like all other patriotic citizens, the news media should be uniting the country behind our President in defense of principle.

The President of the United States does not desire war—no American does. But let's remember that this conflict started on August 2 when a vicious and ruthless dictator invaded a defenseless neighbor.

Why do we not hear about the horrible atrocities being committed by the Iraqi Army in Kuwait—about the babies being torn from their incubators, hospital equipment being confiscated, the torture, the mass killings, the brutal destruction of a people? Why do we not hear about the barbaric execution of over 100 of Hussein's own officers who had opposed these atrocities?

These things would inflame the American people to our cause and unite them, were the media to fairly report them. But no, the news media seems intent on eroding America's resolve. Whose side are they on?

REFLECTIONS ON MY VIEWS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Vermont [Mr. SANDERS] is recognized for 5 minutes.

Mr. SANDERS. Mr. Speaker, I wish I had something profound to say today. I do not. However, today is January 15, and it is a somber day, and a day of concern for millions of Americans, and hundreds of millions of people throughout this planet. Therefore, I think it is maybe right that I share a little bit of my views.

Let me begin by saying that I think we all agree in this body, and throughout this country, and throughout virtually the entire world, that Saddam Hussein is an evil person, and what he has done in Kuwait has been illegal, immoral, and brutal. It seems to me, however, that the challenge of our time is not simply to begin a war which will result in the deaths of tens and tens of thousands of people, young Americans, innocent women and children in Iraq, but the real challenge of our time is to see how we can stop aggression, how we can stop evil in a new way, in a nonviolent way.

If ever there has been a time in the history of the world when the entire world is united against one small country, this is that time. It seems to me a terrible failing, and very ominous for the future, if we cannot resolve this crisis, if we cannot defeat Saddam Hussein in a nonviolent way. If we are not successful now, then I think all that this world has to look forward to in the future, for our children, is war, and more war, and more war.

There is an enormous responsibility on President Bush's shoulder, and to a large degree this body, the U.S. Congress which has for the last 5 months, abdicated its responsibility. The world, 5 months ago, was rejoicing because after 45 years the cold war was finally over. The hatred that existed between the two superpowers had finally ended, and all over the world people were saying, "Thank God. We cannot now put down the weapons. We can reduce military spending. We can begin to address the enormous social problems facing our Nation." There are 2 million people sleeping out on the street, a health care system which is disintegrated, an educational system which is failing, a nation in which our manufacturing base is declining, there are serious problems with the environment. Today, 30,000 children starve to death in the Third World, and all over the planet people were saying, "Finally, now we can begin to address those problems, deal with the needs for helping the Eastern European countries that are becoming democratic." There is rejoicing. Then suddenly once more we heard that as soon as we took a deep breath that the cold war was over, there is another war upon the world.

I want to say to President Bush that I know, as someone involved in politics, we are all involved in politics, that it is not too late to change one's mind. This is too important an issue to just go forward because of pronouncements made yesterday and in the last 4 months. The world looks to the President. He can play an historic role in leading the United States to solve this crisis in a nonviolent way.

Mr. Speaker, one of the issues that has concerned me, and I think millions of Americans, is that as we look at this crisis, we look at who our allies are, we have talked about the grand coalition. Let everyone stop for a moment and look at who our allies are: Egypt is our ally. It cost the United States $7 billion in debt forgiveness to bring them into the alliance. This is not a very strong or truthworthy ally. Saudi Arabia is our ally. Saudi Arabia is a feudalistic monarchy. It does not believe in democracy. It does not believe in the slightest degree in women's rights. Is that an ally we feel comfortable with? Kuwait, while it was a terrible thing that that Government be overthrown, the Government of Kuwait is a feudalistic monarchy. Syria: what does it mean to all Members? What does it mean to the children of this country when they see a President of the United States sitting down on a couch with Mr. Assad of Syria, when this Government today believes, quite correctly, that Mr. Assad and Syria is a terrorist nation? Are those the allies that we are proud of?

How do we explain to the fourth grade children in this country that where, 6 months ago, Syria was regarded as a terrorist nation, today it is our ally?

THOUGHTS FOR TODAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky [Mr. MAZZOLI] is recognized for 5 minutes.

Mr. MAZZOLI. Mr. Speaker, as I said earlier today in the 1-minute section, this is a day that I would say is a day out of joint, a day of discordance, a day of dissonance.

I flew back from home just this morning, landed at National Airport, got in the car, came across the 14th Street Bridge, I could not help but remark on how beautiful a day it was and it is outside these Chambers. The sun is shining, the sky is blue, the breezes are mild, the grass is green.

It is almost as if the sky should not be this blue and the breezes should not be this mild, and the day should not be this sunny. It is almost as if this day ought not be the day we celebrate the birthday of Martin Luther King, a man devoted to nonviolence and to peace, because this is a day on which we could go to war.

So, this is a day out of joint. We are facing a time in which a war could be declared tonight, sometime at midnight or after midnight. Pray to God that is not the case. Yet we have outside a beautiful day. It is jangled and discordant. It is hard to grab onto this situation and understand it and digest it and assimilate it.

I returned, as I mentioned a moment ago, from home, where I spent the last 2½ days in extensive meetings around my community and in several different settings, anywhere from meetings with Boy Scouts to meetings with local business people, television shows, call-in shows, to get the flavor of the community. I think it is fair to say that the President, and correctly so, is revered and loved. We love our President. We love the Presidency. This is correct. This is the way our nation has been founded and why we remain a great Nation today, 200 plus years after its creation.

□ 1230

But despite the love and the affection and the fealty we have for the President and the Presidency, there is a confusion about the goals and the means to reach these goals in the gulf.

For example, the argument is made that we have to move out soon, sooner rather than later, because the troops will lose their edge, because the restlessness and the restiveness of the troops will reduce their military offensive capabilities.

Well, that is a problem. I served my 2 years in the Army back in the 1950's. I was never in combat, but I realize these are delicate times and it is not easy to prepare your troops for battle; but on the other hand, there is a thing called rotation. If the troops' edge can be taken off from too long a deployment in the sands and now the mud of Saudi Arabia, perhaps a rotation back home where they can regain the edge and regain their composure might be the answer rather than to start the battle quickly.

Some have said that if the President were to back away from this, at this point, it would be a sign of vacillation or a sign of lack of resolve on his part, a sign of weakness perhaps. Well, there are moments, and I think all of us realize this within our families, our businesses, and in our professional lives, when we have shown courage by saying, "I'm sorry," courage by saying, "I made a mistake." We show courage, not lack of resolve, but courage by saying, "Let's take a second look at this whole thing."

So the President is a courageous man. He was shot out of the skies as a 17-year-old man in the Second World War, so his courage is on the books, proven. It is there for the world to see and share. He does not have to prove his courage to me and to us.

It would seem to me that maybe an act of courage on his part would be that, if there were another way, if there were a possible glimmer of something which can come out of this melange of diplomatic efforts under way now, maybe the President would decide that it is not the time to march off to a war that is going to kill.

I realize that statements have been made and things done, we have this saying back home that you can paint yourself into a corner if you're not careful you remove your alternatives, you wind up not near a door.

Well, let us paint a door on the wall. You have seen those cartoons. There is

no door, and all of a sudden you paint in a door and you walk through the door to safety. This is what they used to call in the stage plays Deus Ex Machina: develop some way out.

All I say, Mr. Speaker, to the President, is that we certainly extend our love and affection and prayers to the President and ask the good Lord to give him the wisdom, and ask the good Lord to give him the strength to see him through these very difficult times.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BEREUTER) to revise and extend their remarks and include extraneous material:)

Mr. BATEMAN, for 60 minutes, on January 16.

Mr. BEREUTER, for 5 minutes, today.

Mr. LEACH, for 60 minutes, today.

(The following Members (at the request of Mr. MAZZOLI) to revise and extend their remarks and include extraneous material:)

Mr. SANDERS, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Ms. KAPTUR, for 60 minutes, on January 16.

(The following Member at his own request to revise and extend his remarks and include extraneous material:)

Mr. MAZZOLI, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BEREUTER) and to include extraneous matter:)

Mr. DANNEMEYER.

Mr. CAMPBELL of California.

Mr. BROOMFIELD.

Mr. EMERSON.

Mr. LAGOMARSINO.

(The following Members (at the request of Mr. MAZZOLI) and to include extraneous matter:)

Mr. DE LA GARZA.

Mr. PENNY.

Mrs. BYRON.

Mr. EDWARDS of California.

ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 34 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, January 16, 1991, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

325. A letter from the Deputy Director, Federal Emergency Management Agency, transmitting a draft of proposed legislation to extend and amend the Defense Production Act of 1950; to the Committee on Banking, Finance and Urban Affairs.

326. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-304, "Construction Codes Razing Amendment Act of 1990," and report, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

327. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-303, "District of Columbia Government Comprehensive Merit Personnel Act of 1978 Section 401(a) Trust Fund Amendment Act of 1990," and report, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

328. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-300, "D.C. Real Estate Appraiser Act of 1990," and report, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

329. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-311, "District of Columbia Real Estate Appraiser Temporary Act of 1990," and report, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

330. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-310, "Sale of Government Publications Amendment Act of 1990," and report, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

331. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-309, "District of Columbia Low-Level Radioactive Waste Generator Regulatory Policy Act of 1990," and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

332. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-308, "District of Columbia Cancer Prevention Act of 1990," and report, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

333. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-305, "Low Income and Homeless Family Shelter Exemption Amendment Act of 1990," and report, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

334. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-306, "Dwight David Eisenhower Freeway Designation Act of 1990," and report, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

335. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-307, "Regulation of the Horse-Drawn Carriage Trade Act of 1990," and report, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

336. A letter from the Secretary of Health and Human Services, transmitting the third triennial report on drug abuse and drug research on the health consequences and extent of drug abuse, including recent findings on the health effects of marijuana, cocaine, and the addictive properties of tobacco, pursuant to 42 U.S.C. 290aa-4(b); to the Committee on Energy and Commerce.

337. A letter from the Federal Trade Commission, transmitting the 1991 report on the description of sales, advertising, and marketing practices associated with smokeless tobacco products, which contains figures for 1988 and 1989 sales and advertising expenditures, pursuant to 15 U.S.C. 4407(b); to the Committee on Energy and Commerce.

338. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Jon David Glassman, of the District of Columbia, Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador to the Republic of Paraguay, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

339. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting information that the President intends to sell defense articles and services to Turkey, and a memorandum of justification; to the Committee on Foreign Affairs.

340. A letter from the Chairman, Federal Communications Commission, transmitting the annual report under the Federal Managers' Financial Integrity Act for Fiscal Year 1990, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BATEMAN:

H.R. 529. A bill to provide for the conveyance of certain land at Fort A.P. Hill Military Reservation, VA; to the Committee on Armed Services.

By Mr. DINGELL (for himself and Mr. MARKEY):

H.R. 530. A bill to clarify the congressional intent concerning, and to codify, certain requirements of the Communications Act of 1934 that ensure that broadcasters afford reasonable opportunity for the discussion of conflicting views on issues of public importance; to the Committee on Energy and Commerce.

By Mr. DINGELL (for himself, Mr. MARKEY, Mr. RINALDO, Mr. SCHEUER, Mr. MADIGAN, Mr. SWIFT, Mr. TAUZIN, Mr. HALL of Texas, Mr. ECKART, Mr. RICHARDSON, Mr. BRYANT, Mr. COOPER, Mr. MANTON, Mr. MCMILLEN of Maryland, Mr. OXLEY, Mr. BLILEY, Mr. RITTER, and Mr. MOORHEAD):

H.R. 531. A bill to establish procedures to improve the allocation and assignment to the electromagnetic spectrum, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BURTON of Indiana:

H.R. 532. A bill to amend title 38, United States Code, to revise, effective as of January 1, 1991, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans; to the Committee on Veterans' Affairs.

By Mr. CAMPBELL of California:

H.R. 533. A bill to amend the Export-Import Bank Act of 1945 to prohibit the Export-Import Bank of the United States from pro-

viding any credit in connection with exports to the Union of Soviet Socialist Republics if there is an excessive Soviet military presence in any of the Baltics; to the Committee on Banking, Finance and Urban Affairs.

By Mr. DAVIS (for himself and Mr. BATEMAN):

H.R. 534. A bill to amend title 46, United States Code, to repeal the requirement that the Secretary of Transportation collect a fee or charge for recreational vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. LAGOMARSINO:

H.R. 535. A bill to provide for the establishment of a National Voluntary Health Insurance Act; to the Committee on Energy and Commerce.

H. Con. Res. 36. Concurrent resolution expressing the sense of the Congress that the United States should not provide assistance or trade benefits for the Soviet Union until the Soviet Union terminates all its economic and military support for Cuba; jointly, to the Committees on Foreign Affairs and Ways and Means.

By Mr. PENNY (for himself, Mr. FRANK of Massachusetts, Mrs. UNSOELD, Mr. BEILENSON, Mr. RANGEL, and Mr. NOWAK):

H. Con. Res. 37. Concurrent resolution to express the sense of the Congress regarding the financial costs of military operations in the Persian Gulf region; jointly, to the Committees on Foreign Affairs, Armed Services, and Ways and Means.

By Mr. HERTEL:

H. Res. 32. Resolution to condemn the deployment of Soviet troops in the Baltic States of Latvia, Lithuania, and Estonia; to the Committee on Foreign Affairs.

By Mr. LAGOMARSINO:

H. Res. 33. Resolution calling upon President Gorbachev to refrain from further use of force against the democratically elected grovernments of Lithuania, Latvia, and, Estonia; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Mr. PORTER, Mr. HALL of Texas, Mr. CARPER, Ms. PELOSI, and Mr. GRAY.

H.R. 86: Mr. WALSH, Mr. CLINGER, and Mr. RHODES.

H.R. 123: Mr. ARCHER, and Mr. FAWELL.

H.R. 233: Mr. JACOBS, Mr. JOHNSON of South Dakota, Mr. FUSTER, Mr. MRAZEK, Mr. LIPINSKI, Mr. FASCELL, and Mr. DORGAN of North Dakota.

H.R. 300: Mrs. COLLINS of Illinois, Mr. ROE, Mr. COSTELLO, Mr. OLIN, Mr. STEARNS, Mr. ENGEL, Mr. WEISS, Mr. WHEAT, Mr. MILLER of California, Mr. GIBBONS, Mr. MARTINEZ, Mr. HOUGHTON, Mr. HENRY, Mr. MRAZEK, Mr. WALSH, and Mr. LANCASTER.

H.R. 371: Mr. TAUZIN, Mr. HATCHER, Mr. CHAPMAN, Mr. RICHARDSON, Mr. CLINGER, and Mr. FORD of Michigan.

H.R. 392: Mr. GEJDENSON, Mr. BROWN of California, Ms. PELOSI, and Mr. MRAZEK.

H.R. 482: Mr. OWENS of New York, Mr. MFUME, and Mr. HUBBARD.

SENATE—*Tuesday, January 15, 1991*

(Legislative day of Thursday, January 3, 1991)

The Senate met at 2:30 p.m., on the expiration of the recess, and was called to order by the Honorable JOSEPH I. LIEBERMAN, a Senator from the State of Connecticut.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

* * * *Blessed be the name of God for ever and ever: for wisdom and might are his: And he changeth the times and the seasons: he removeth kings, and setteth up kings** * *.—Daniel 2: 20, 21.

Eternal God, sovereign Lord of history and Ruler of the universe, today we join with millions and pray for peace. We pray for divine intervention and ask Thee to do what is humanly impossible. We pray for President Bush in the awesome loneliness of decision. We pray for all of the military in the Persian Gulf and their loved ones. We acknowledge our need as a nation. We confess that, though we profess to believe in Thee, we live much of our lives as though Thou art nonexistent. We live as though man's destiny is dependent solely upon man, forgetting Thou art sovereign in history.

Forgive us, Lord, for all that we think and do contrary to Your righteous will. Draw us to Thyself. Help us turn from our Godless ways that Thy righteousness may shine as the noonday, Thy love and peace reign in our hearts and in our world.

In the name of Him who is incarnate love. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 15, 1991.

To the Senate:

Under the provisions of Rule I, Section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOSEPH I. LIEBERMAN, a Senator from the State of Connecticut, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. LIEBERMAN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, and I say to Members of the Senate, following the time reserved for the two leaders, there will be a period for morning business, with Senators permitted to speak for up to 10 minutes each. There will be no rollcall votes today.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve all of my leader time and all of the time of the distinguished Republican leader.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MITCHELL. I yield the floor.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak therein for not to exceed 10 minutes each.

The Senator from Massachusetts.

THE PERSIAN GULF

Mr. KENNEDY. Mr. President, the Nation and the world stand just hours away from the midnight deadline set for war against Iraq. We all hear the clock ticking steadily toward midnight, and the drums beating louder for war.

Fatalistically, the world seems to be acquiescing in the inevitability of war, at the very time when leaders of goodwill should be doubling and redoubling their search for peace.

The eloquent, famous and foreboding words of a British foreign officer standing at the window of his room in 1914 reflect the mood of our Nation now and the risks that war may bring. He said:

> The lamps are going out all over Europe. We shall not see them lit again in our lifetime.

Seventy-seven years later, the same ominous thought can be expressed about the Middle East, if we permit the lamp of peace to be extinguished now.

Conflict may seem inevitable. But nowhere is it written that it must be so. Nowhere is it required that the search for peace must end when the clock strikes 12 tonight. Nowhere is it ordained that the New World order must begin with a new world war.

As President Kennedy said in his address at American University in 1963, presenting his own view of the New World order after the Cuban missile crisis:

> Our problems are manmade—therefore, they can be solved by man. And man can be as big as he wants. No problem of human destiny is beyond human beings.

Let us honor those words now and in the days ahead. Time and patience are on our side, not Saddam Hussein's.

But as President Bush has indicated many times with respect to January 15, today's ominous date is an authorization—not a deadline—for war.

I hope the President will not rush to war too soon. I hope that he will respect the 11th-hour good-faith efforts for peace now being attempted in the United Nations and by other countries, that he will give these initiatives every possibility for success, and not cut any of them short by premature resort to war.

We all regret the failure of the missions by Secretary Baker and Javier Perez de Cuellar. But those failures do not, should not, and must not mean our only recourse is war.

Other nations continue their diplomacy, in the reasonable hope that patience and time can accomplish what strength and passion cannot. There remains the possibility of an Arab solution. If Saddam Hussein will not listen to the West, perhaps he will yet heed the Arab pleas for peace.

At this hour, we can only hope that communications will continue on all sides and by all reasonable means, and that the possibilities for peace will be given time to bear fruit before the irreversible decision for war is made.

The threat of war is real. But so are the consequences and costs of war. From the moment the bombs begin to fall, the war will become America against Iraq, not the world against Iraq.

The experts tell us that 90 percent of the casualties on our side will be Amer-

ican, that there will be 3,000 American casualties a week, and that 1 in 4 of them will die.

Conflict will bring other costs as well. Iraq has said that it will attack Israel, and Israel has said it will retaliate. The nature of the war will be transformed again. The Arab coalition against Iraq may crack, and the war will become more and more perceived each day as America and Israel against the Arab world. The deaths of thousands of Iraqis, including innocent civilians, could well polarize the Middle East against the United States and Israel for years to come.

And when Iraq begins to fight, with its back against the wall, chemical weapons may well be used. Perhaps biological weapons. Perhaps even terrorist attacks on the United States itself, that could bring a further massive escalation of the war.

These heavy human costs for America and the world demand—demand—that we go down every rational avenue for peace, before we give in to the irrationality of war.

By a strange irony of history, this January 15 date for one of the worse of wars falls on the birthday of one of the finest men of peace in this century.

All Americans know that in spite of the greatest of provocations to respond with violence and the greatest of temptations to abandon the path of peaceful change, Martin Luther King walked the farthest of miles for peace. Because of him, America today is a better, stronger, and fairer nation. And if we succeed now in finding the needle of peace in the haystack of war, we will have a better, stronger and fairer world.

As Martin Luther King said in accepting the Nobel Peace Prize in 1964:

> Nonviolence is the answer to the crucial political and moral questions of our time; the need for man to overcome oppression and violence without resorting to oppression and violence.

If we heed those words today, there is still time for peace in the Middle East.

I yield the floor.

COAL LIQUEFACTION IN THE 1930'S

Mr. FORD. Mr. President, recently I received correspondence from my friend and constituent, Mr. Bruce Stephens, Jr., of Hazard, KY.

Mr. Stephens is in the process of writing a history of a coal company with which he was associated for four decades. In the course of his research, he has run across some interesting facts; one of which I would like to share with the Members. A letter from the American Consul in London dated October 1, 1934, notes that seven squadrons of the Royal Air Force were flying on fuel derived from coal, and that the British Navy was satisfied with the fuel oil extracted from coal which it purchased in bulk in 1933.

What happened? This early opportunity was thrown away just as we have thrown away our opportunities over the last 20 years. I, for one, am going to try to ensure that we do everything we can so as not to lose our present opportunity to wean ourselves off foreign oil imports. This should be the Nation's priority for the 102d Congress and I will make it mine for so long as I serve in the U.S. Congress.

Mr. President, I ask unanimous consent that Mr. Stephens' letter dated January 11, 1991, together with its enclosures be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HAZARD, KY,
January 11, 1991.

Re coal liquifaction.

Senator WENDELL H. FORD,
Room 173–A Russell Senate Office Building, Washington, DC.

DEAR SENATOR FORD: After 36 years in the business, I retired as Executive Vice President and General Counsel of Kentucky River Coal Corporation three years ago. Among other things, I am now engaged in writing a history of that important mineral land company.

In researching the files of the company, I came across the enclosed letter from the American Consul in London dated October 1, 1934 and an Article from the London England Financial News dated August 12, 1933. I found these of great interest because they recount the very substantial progress that had been made in the liquifaction of coal and the manufacture of gasoline and other products therefrom at that long ago date.

The letter notes that "seven squadrons of the Royal Air Force are now flying on spirit derived from coal, and that the British Navy was satisfied with the fuel oil extracted from coal which it had purchased in bulk in 1933".

The Article relates the history of this development in Germany, England and the United States. With respect to the U.S., it stated:

"The second really big development in the hydrogenation field was the Standard Oil of New Jersey plant at Bayway, N.J., at least one product of which—Essolube—is by now familiar to most motorists. The capacity of that plant . . . is 5,000 barrels (or 800 tons) of finished products (petrol, kerosene, lubricating oils, etc.) a day, or nearly 300,000 tons a year."

Considering the 1974 embargo and our present grave difficulties in the Middle East, one can only ask, what on earth have we been doing for the last 60 years?

Knowing your abiding interest and deep concern with this subject, I thought I would pass this along.

With best personal regards, I remain.

Sincerely,

BRUCE STEPHENS, Jr.

AMERICAN CONSULAR SERVICE,
London, W.1, England,
October 1, 1934.

KENTUCKY RIVER COAL CORP.,
812 Fayette National Bank Building, Lexington, KY.

GENTLEMEN: Acknowledgement is made of your letter of September 14, 1934, enclosing a clipping regarding the formation of a new company in England which will operate plants for the production of motor fuel from coal, and requesting information regarding this process and its development.

The company referred to in the clipping is the National Coke and Oil Company Limited, which was formed in 1933 and which has recently decided to erect a plant at Cardiff, Wales, for the purpose above mentioned. This company is only one of several which are engaged in the extraction of motor fuel from coal. The most important organization engaged in such work is the Imperial Chemical Industries Limited which has appropriated £2,500,000 for this purpose and is at present constructing a very large plant which is expected to be in operation by next spring. Approximately £1,120,000 sterling have already been expended on the construction of this plant.

A summary of the developments in the low temperature carbonization industry in Great Britain was given by the Secretary for the Mines Department in the House of Commons on July 17, 1934. He stated that there are nine extracting plants in operation on a commercial and semi-commercial scale, the quantity of coal carbonized in 1933 was 318,000 tons and the yield of spirit was 741,000 gallons. The Secretary also noted that seven squadrons of the Royal Air Force are now flying on spirit derived from coal, and that the British Navy was satisfied with the fuel oil extracted from coal which it had purchased in bulk in 1933.

While experimental work on this process has been carried on for many years, it is only since the imposition in 1933 of a protective duty of fourpence per gallon that commercial developments have taken place. Incidentally, this duty works more as an equivalent to a fourpence per gallon subsidy for the industry rather than a duty on imports, owing to the form of the British Customs and Excise Laws and the fact that there is no petroleum oil produced in this country.

It is understood that the latest scientific data on the subject which is publicly available in Great Britain, is contained in the Report of the Fuel Research Board of the Department of Scientific and Industrial Research for the year ended March, 1932, and in a technical paper describing successful efforts to carry on low temperature carbonization of coal in brick retorts, also issued by the Department of Scientific and Industrial Research in 1933. Both these publications may be obtained from H.M. Stationery Office, Kingsway, London, W.C.2. The price of the former is two shillings net, and that of the latter sixpence net.

It is thought that the enclosed clipping from the London Financial News of August 12, 1933, should also prove of interest to you.

Very truly yours,

ROBERT FRAZER,
Consul General.

[From the Financial News, Aug. 12, 1933]

HYDROGENATION AND ITS FUTURE

II—FLEXIBILITY OF PRODUCT

(By O. W. Roskill)

The early history of the hydrogenation process; the vast number of different coals tested under different conditions by Bergius at Mannheim; the gradual evolution of the right type of plant and the right conditions of temperature and pressure; the "Makot" and the first International Bergin Co.; the entry of the Royal Dutch; the British Bergius Syndicate, which acquired the rights for this country; the entry of the I.G. and Mittasch's work in developing the process on a commercial scale; the Standard-I.G. Co., formed in 1929, and the International Hydro-

genation Patents, Ltd., formed in 1930 by the final participants I.C.I., Shell-Mex, Standard Oil and the I.G., would make an interesting story both as regards the technical and the economic development; and may, perhaps, one day be put together. What, however, is not often recognized is how widely the process is already being developed and how flexible it has proved to different conditions and different raw materials.

The original Leuna plant of the I.G. started with a capacity of about 10,000 tons of motor spirit a year in 1928. This was rapidly increased, the maximum output being about 125,000 tons in 1931, falling to about 100,000 tons last year. The present capacity may be put at about 150,000 tons per year, and discussions are now in progress with regard to its further extension, the figure of 200-250,000 tons a year being mentioned.

The raw materials used have changed almost from year to year. Originally brown coal (of which there is a large output in the Merseburg area) was hydrogenated direct. Later it was found that costs could be reduced by using the brown coal for making hydrogen necessary for the hydrogenation and hydrogenating the brown coal tar obtained as a by-product or in other ways, or mixtures of this with brown coal. Then came the development of the Thuringian oilfield, the oil from which is rather poor in the lighter fractions, and consequently economically well suited to treatment by hydrogenation. During 1931 large quantities of this oil, together also with brown coal tar, were treated, but in January, 1932, there was a bad fire at the Volkenroda well belonging to the Burbach concern, which was one of the chief of those supplying Leuna, and this limited supplies of oil and necessitated a return mainly to brown coal tar.

AN AMERICAN DEVELOPMENT

Quite recently it was claimed that costs have again been substantially reduced and that, particularly, higher quality lubricating oils are now being made.

The plant started early in 1929 at the works of the Gesellschaft für Teerverwertung at Duisburg-Meiderich may be passed over quickly, as it was never a great success and was later closed down. The nominal capacity was about 30,000 tons of coal, equivalent to a maximum of 20,000 tons of oil a year, although nothing like this quantity was ever produced. Actually the plant treated mostly bituminous coal tar.

The second really big development in the hydrogenation field was the Standard Oil of New Jersey plant at Bayway, N.J., at least one product of which—

* * * * *

plant, which was built in two units, the first at a cost of about $5,000,000 and the second at about $3,500,000, is 5,000 barrels (or 800 tons) of finished products (petrol, kerosene, lubricating oils, &¢.) a day, or nearly 300,000 tons a year. It is almost impossible to compare the capital cost with that of the Leuna plant, since, among other reasons, in all these plants existing services are used to a greater or less extent—for example, at Leuna the synthetic ammonia plant and at Bayway the oil refinery—but one of the lowest estimates of the Leuna capital cost is Rm. 60,000,000, and it may, at any rate, be concluded that the capital costs of the process per ton year of products are lowest when it is worked in conjunction with an oil refinery.

The Bayway plant was preceded by a smaller experimental one erected by Standard Oil of Indiana at Baton Rouge. This company later completed a big plant of 8,000 barrels a day capacity in May, 1931. Baton Rouge has suitable natural gas available at low cost, and the hydrogen is made from this. Following the original Standard-I.G. agreement, a company called Hydro Patents Company was formed in 1930 to license oil refineries in the U.S. to use the process. A large number of the big oil companies participated, their total refining capacity being given as about 3,000,000 barrels a day, and a further important group joined in August, 1932.

Read in the light of the present oil situation, the license terms (5 cents a barrel of refining capacity, 5 cents a barrel of petrol, and 38 cents a barrel of lubricating oil) do not appear very encouraging, although they may have been altered since then.

There have been no new plants since Bayway and Baton Rouge were built; but it is understood that the Connecticut Hydrogas Corporation is erecting one at Portland, Conn., at the moment. Also, although there have been so many such negotiations in the past that they are bound to be regarded with reserve until a plant is actually put up, the I.G. is known to be interested in the possibility of starting a coal hydrogenation plant in New South Wales. Consideration has also been given to the opportunities offered by the Vereeniging coalfield in South Africa. A hydrogenation plant there would obviously have an important freight protection owing to the Standard Oil group, the company Hulles, Goudrons et Dérivés, which is one of the largest tar distilleries in France, together with an oil-refining company, Cie, Francaise de Raffinage, and one or two other participants, have got a small experimental plant (through-put about 10 tons of coal or tars a day) working at Vendin. The Japanese, who have a large shale oil plant at Fushun, in Manchuria, have started hydrogenating the crude shale oil on an experimental scale, and are stated to be going to put up a big plant. Another small plant treats tar from Varpalota coal in Hungary.

FLEXIBILTY OF PRODUCTS

The flexibility of the process with regard to raw materials has already been emphasised. Equally important is the flexibility as regards products, which can, within very wide limits, be controlled at will. The importance of this to oil refineries is obvious, since one of the greatest difficulties facing the latter has always been that demand varies widely for each product, while all products are produced, from a given crude, in but slightly variable proportions. The cracking process has done something to improve this position, but the hydrogenation process can do much more.

A subtler point concerns the whole future of the internal combustion engine. It is not so very long ago since petrol was an unwanted by-product from the manufacture of kerosene. The rapidity with which the compression-ignition engine has developed during the last few years suggests that it is by no means impossible that 10 years from now, say, the demand for petrol, at any rate for commercial transport, which accounts for about two-thirds of the total consumption in this country, may have fallen to almost negligible proportions. The effect of such a change on the oil industry is almost unthinkable: the capital cost of the cracking plants alone which would have to be amortised before a fall in the consumption of petrol relative to the total consumption of petroleum products begins to take place, is enormous. It is by no means impossible that hydrogenation will prove the key to this position.

Government interference in the oil industry is far less in this country than abroad, particularly, say, in France and Germany, where the regulations governing the purchase of alcohol by the oil companies in order to assist agricultural producers of potatoes and other raw materials for alcohol manufacture represent, probably, a considerably greater eventual burden on the consumer or taxpayer than will the present provisions in this country. The result of these provisions cannot really be measured in terms of the number of men who will be employed, the amount of coal which will be consumed, less the number engaged in importing oil thrown out of employment, and the loss of duty to the Treasury.

The Government have made a bargain and embarked on a gamble. It is unlikely that the bargain will prove to have been a bad one, and, at any rate, the gamble is one with limited risks and great potentialities.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized.

Mr. FORD. I thank the Chair.

(The remarks of Mr. FORD pertaining to the introduction of S. 210 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

KURDISH REFUGEES

Mr. LEAHY. Mr. President, as the possibility of war in the Persian Gulf grows more real every day I want to call attention to the plight of a group of people whose past suffering at the hands of Saddam Hussein have too readily been ignored by the world community, including the Bush administration.

Today there are approximately 12,000 Kurdish refugees living in squalor in the Kiziltepe camp in Turkey, just 100 miles from the Turkey-Iraq border. They are among an estimated 30,000 Kurdish refugees living in camps inside Turkey along the Iraqi border. They fled Iraq in 1988, after Hussein bombed their villages with chemical weapons.

Although that has often been cited as an example of the barbarity that Saddam Hussein is capable of, it was only one of many outrages he inflicted on the Kurds. Their villages were flattened by tanks and their people tortured and executed in mass.

Mr. President, the Kurds are truly forgotten people, at least forgotten by the world's leaders. There are over 20 million Kurds, yet they are without a country or land of their own. They have learned to expect persecution wherever they go.

The Kurdish refugees on the Iraqi border are in grave danger if war erupts in the Persian Gulf. They are confined to closely guarded camps from which they cannot leave. If war spreads in their direction they will have no way of protecting themselves.

Three years ago the Bush administration was silent when Saddam Hussein ordered mustard gas to be used against the Kurds. I urge the administration to use its influence with Turkey and the governments of Western Europe, and the U.N. High Commissioner for Refugees, to ensure that these vulnerable people will not suffer again such a terrible fate.

Mr. President, I ask unanimous consent that a recent editorial from the Burlington Free Press on the Kurdish refugees in Turkey be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Burlington (VT) Free Press, Jan. 2, 1991]

THE FORGOTTEN KURDS

If you're going to be a victim of Saddam Hussein, it helps to control a flock of oil wells. It helps to be a Kuwaiti, not a Kurd.

When Saddam rolled over the Kuwaitis, world leaders shivered with horror and dispatched half a million troops. President Bush discovered a new Hitler in his erstwhile ally.

Kuwaiti sheiks relocated their limousines and counting houses to Saudi Arabia and await deliverance in comfort.

The Kurds don't control any oil. So, when Saddam gassed them, razed their villages in northern Iraq and turned their land into a desert, nobody paid much attention. Nobody paid *any* attention.

This was not a new experience for the Kurds. About 17 million Kurds—a people of Indo-European roots and Muslim faith—inhabit the dusty plains and hills where the borders of Iraq, Iran, Syria and Turkey come together.

When the Ottoman Empire was dismantled after World War I, the Kurds were promised an independent Kurdistan. Instead, their territory was split among the four neighbors and a nearby area of the Soviet Union—almost all of whom set out to annihilate the Kurds' culture. Turkey, where about half the Kurds live, refuses to acknowledge their ethnicity, calling them "mountain Turks." In Turkey, it's a jailable offense to speak Kurdish in the street.

So there is some irony—lost on the Kurds—in the fact that Iraqi Kurds fleeing Saddam's poison gas sought refuge in Turkey. Saddam apparently decided to decimate the Kurds because they sided with Iran in the Iran-Iraq war.

"On 28 August 1988, they (the Iraqis) started bombing. They dropped chemical weapons on 70 points. I was there," said Akram Mayi, a Kurdish leader who is in the United States to receive a human rights award.

"The color of the gas was between white and yellow," he said, describing mustard gas. "It smelled of garlic. Thousands of men and women and children died. Thousands fled to Turkey."

And there they sit, about 30,000 of them, in three refugee camps, although Turkey calls them "guests" and declines international aid on their behalf. They have lived in tents and crude apartment blocks for two years, several families to a room. The food is plain but acceptable, Mayi said, but schooling is forbidden, and there is no work for the adults.

What the Kurds would really like, Mayi said wistfully, is to be given an autonomous region in northern Iraq if the United States destroys Saddam.

Short of that, the Iraqi Kurds would like to be accepted as refugees in Western Europe and North America.

The United Nations refused to discuss the Kurds or Saddam's campaign of genocide. Until recently, the United States showed no interest in accepting them as refugees—although who could better show "a well-founded fear of persecution"? This month, Mayi said, the United States agreed to accept 300 families.

"Every day the Iraqis killed thousands of Kurds and nobody talked about it," he said with bitterness.

"And now they talk about 'human rights.' Human rights! It appears it is petrol rights, not human rights, that matter."

CONDEMNATION OF SOVIET ATTACK ON LITHUANIA

Mr. LEAHY. Mr. President, I want to condemn the brutal Soviet attack on peaceful citizens in Lithuania. It is a move reminiscent of Hungary in 1956 or Czechoslovakia in 1968—Soviet tanks crushing a peaceful movement trying to gain freedom from Moscow's empire.

I am awestruck at the bravery of unarmed Lithuanian citizens surrounding the Parliament building to defend their democratically elected Government. I also have great and enormous respect for those parliamentarians in that building who are willing to give up their lives to preserve democracy. I admire and support the refusal of President Landsbergis to bow to Soviet forces. I pay tribute to those courageous Lithuanians who fell under the savage attack of Soviet tanks. Unarmed civilians being crushed by tanks martyrs the Lithuanian freedom and independence and is a demonstration to all the world how strongly one can hold freedom within their heart and soul.

The message of the U.S. Government to Moscow has to be strong and unmistakable. There can be no equivocation. We are not going to provide aid to a government that seeks to maintain itself in power through brute force and that violently represses legitimately elected governments such as Lithuania, Estonia, or Latvia.

As chairman of the Agriculture Committee and chairman of the Foreign Operations Subcommittee, I call on the President to suspend immediately all United States assistance to the Soviet Union until Soviet occupying forces have withdrawn from Vilnius and the rights of the democratic Government of Lithuania are respected. No further American aid should go to Moscow until we know actually who is in control of the Soviet Government and what the policy of the Soviet Government really is regarding the use of force to suppress peaceful political activity. At the very least we ought to know who is running the Government. I defy anybody to say categorically today who is in charge of the Soviet Union. Certainly American aid of whatever kind should not be available to be used as a tool to repress democracy.

Nobody in Moscow should be able to use American aid to punish democracy movements in the Soviet Union. I cannot imagine any person in this country wanting that to happen.

Next week the Senate Agriculture Committee, which has jurisdiction over food aid and agricultural export credits, will be holding hearings. I want to hear from the administration and what it intends to do to protest Soviet actions in Lithuania. I intend as chairman to make my very strong opposition to continuing to help the Soviet Government until the current situation in Lithuania is resolved.

I stated earlier, Mr. President, the situation in Lithuania asks the obvious question: Who is in charge? Is President Gorbachev, the recent winner of the Noble Peace Prize, responsibile for the decision to use lethal force or is he now under the control of the hard-liners and the military and the KGB?

Are perestroika and democratic reform over? Are we going to see a return to repression of dissent and political opposition inside the Soviet Union itself?

Nobody can suggest that democracy exists in the Soviet Union as peaceful protestors are crushed in the Baltics. I hope every supporter of democracy in the Soviet Union understands this and immediately raises their voice in protest.

Mr. President, I cannot imagine any Member of the Senate, Republican or Democrat, who has not been cheered at the prospect of democracy in the Soviet Union. I cannot imagine any Member of this body who is not discouraged by what appears to be rollback of any progress there. The hopes that all of us felt a year ago about the future of United States-Soviet relations are now threatened. It would be a tragedy if the chances for an era of cooperation are destroyed because President Gorbachev either has chosen the route of repression to stay in power or has fallen under the sway of those who would fight to preserve the Soviet Empire.

No one underestimates the vast problems confronting President Gorbachev in reforming the Soviet Union politically and economically. I think the United States is prepared to help him in every way we can so long as he stays on the course of democratic reform, of liberalization and peaceful negotiation with opposition forces, including those who seek independence.

As the country which stands for democracy and freedom, we cannot continue to help Gorbachev if he has turned back the clock to the days of Stalin and Khrushchev and Brezhnev.

THE PERSIAN GULF

Mr. LEAHY. Mr. President, as I left the meeting at the White House last night, I thought how grave the situation is in the Persian Gulf. I have never

seen my colleagues, the President, and his Cabinet so grave and serious at a leadership meeting.

January 15 is not a military deadline. It is a political deadline. There is still a chance for peace. I acknowledge that the chances for peace are quickly disappearing. But I continue to wage caution and restraint. If there is even a glimmer of a chance for peace, we should show the restraint necessary to find out if it is real.

Saddam Hussein long ago should have understood the resolve of the President of the United States to use force to carry out the U.N. resolutions. He should realize he has the power, even at this late date, to bring about a peaceful resolution. I also urge the President to look yet again at whether there is any possibility for a peaceful resolution through restraint. If so, I hope we would pursue it.

I do not doubt for one moment the grave responsibility that rests upon the shoulders of the President of the United States. He told me yesterday that he has a due concern for the men and women who will die in combat as combatants as well as the noncombatants who will also die.

Only the President can give the order to initiate combat on our side. I know that he will not take that decision lightly, nor is it a decision he will take without a heavy heart.

As one Senator who supports giving sanctions more time, I hope that the President will continue to show restraint if at all possible. All of us, whether we supported or opposed the resolution to authorize force after January 15, hope the President will have the wisdom to make the right choice. All of us pray that war can be avoided.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Rhode Island [Mr. CHAFEE].

THE OBSERVATIONS OF WAR

Mr. CHAFEE. Mr. President, last Saturday the Senate and House both voted to authorize the President to use force, if necessary, to obtain the objectives nearly every Member of this Congress has agreed upon: That Iraq must leave Kuwait.

Neither I, nor I believe anyone else, took his or her vote, either for the resolution or against it, absolutely certain he or she was 100 percent correct.

We voted with hesitancy and with some doubt.

For me, despite those doubts, the arguments were far clearer on the side I voted, than on the other side. I voted to authorize the use of force, always with the hope that force would not be necessary.

My arguments were thoroughly stated last Friday evening so I will not review them here.

May I take this occasion, should force be required, to voice briefly some observations I have upon war, garnered both from study and experience.

First, no nation goes to war expecting it will lose. There are scores of ways to avoid a war, so when a nation chooses war, we must assume that nation is as confident of prevailing as the other side is.

Second, every war lasts much longer than originally expected. History is replete with the most viciously fought wars—notably our Civil War, 1861–1865, and World War I, 1914–1918, commencing with nearly everyone expecting the fighting would be of brief duration. It would be unwise to expect any war to be a short one of but several weeks.

Third, wars are filled with the intervention of the unexpected.

Terrible mistakes and misjudgements are made. The weather is not as predicted, the performance of equipment below expectations, commanders blunder, one side's forces underperform and the other side's troops show unexpected skill and determination.

As a 19-year-old marine on the beach at Guadalcanal on the night of August 8, 1942, I saw a Japanese naval force, with extraordinary skill and boldness, swoop down upon an unprepared American naval task force, sink three United States and one Australian cruisers, and depart unscathed, thus inflicting one of the worst defeats the United States Navy every suffered, despite the fact that the Japanese force had to make half its journey in daylight and was several times spotted by American aircraft and also by a United States submarine.

From that experience, the United States Navy learned a great deal and it was the last naval battle we lost to the Japanese, but it was a very costly lesson.

Fourth, he who underestimates the enemy does so at terrible peril. Neither clothing nor equipment determine the fighting spirit of a unit. "Stonewall" Jackson's foot cavalry were clad in the most varied assortment of clothes, and the Confederate units who came across the Potomac to fight at Antietam were so filthy they could be smelt at some distance—but these brigades were embued with steely determination.

Because units look ragtag or come from Third World countries, does not mean they cannot fight, and fight well. The extraordinary courage shown by North Korean soldiers, with tennis shoes on their feet in the winter snows in assaulting United States Marines entrenched positions, will never be forgotten by those on the receiving end of the attacks.

Mr. President, I make these points, not because I believe they are necessarily unique observations, but in order to forewarn the American public as to what possibly could occur, should there be shooting in Kuwait and Iraq.

I am confident our forces have the training, the equipment, and the determination to prevail, and I am absolutely confident we will prevail, but our military actions will neither go totally smoothly nor always successfully. There will be setbacks.

The American public must be prepared for some shocks and some disappointments. We must also be prepared to show resolve and determination.

Our troops have that resolve and determination and so must the American public.

I thank the Chair.

Mr. HARKIN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Iowa [Mr HARKIN].

THE GULF CRISIS

Mr. HARKIN. Mr. President, today is the fateful day of reckoning, the deadline day of January 15, at midnight tonight, when the United Nations Security Council resolutions permit member nations to take whatever means necessary to get Saddam Hussein and his forces out of Kuwait.

I am struck, Mr. President, that there are those who say that perhaps not all diplomatic and economic efforts have been expended. Certainly, in the debate that took place in this body last week, I was one of those espousing that position. I still feel that is so.

Perhaps there are some last-minute things that could be done. I know there are a lot of initiatives going on; the French, the British, and others. But I can tell you that this Senator was quite dismayed in listening to the Secretary General of the United Nations as he returned from his mission to the Mideast, and more specifically to Iraq this weekend, and his lack of finding any movement on the part of Saddam Hussein.

Today being the 15th, a lot of people are asking questions about are there any last-minute things that could be done. Mr. President, I do not know the answer to that question. But I do know that every avenue to peace ought to be explored prior to unleashing war. I am hopeful that will be done.

I was looking at the American eagle, Mr. President, so abundant around here, the symbol of the United States. In one claw, the eagle holds the arrows of war. In the other claw, the eagle holds the olive branch of peace. It is the olive branch of peace that is offered prior to the arrows of war.

President Bush is our President. Congress has voted to give him the authority to conduct our forces in war against Iraq. But I would hope that our President would hold out the other claw holding the olive branch of peace to the maximum extent possible.

In fact, I would hope that today that President Bush might pick up the phone and call Saddam Hussein. It is a simple thing. Just pick it up and call him. Let him know that they are going to place the call. They have translators there; we have translators here. See if Saddam Hussein would take his phone call; talk to him; get the two principals talking on the phone.

Maybe the President could get him on the phone and say, "Let us meet together this weekend in Geneva, face to face, the two Presidents, and see if we can resolve this."

I believe that the President would have the support of the people in Iowa, and all over this country, if he were to at least try, in a well-intentioned effort, to hold out that olive branch of peace to the last minute.

Again, I take the floor only to say that I hope that the President would do a simple thing like that: Just pick up the phone, call Saddam Hussein in Baghdad, and have a talk with him. See if they can get together face to face within the next couple of days. At least we would see if Saddam Hussein would even take his phone call.

Mr. President, I hope that our President, before that claw of the eagle unleashes the arrows, will hold out the olive branch one more time with a personal phone call to Saddam Hussein and try to get him to a meeting.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURDICK). Without objection, it is so ordered.

PREPARING FOR WAR

Mr. LIEBERMAN. Mr. President, this past weekend, like others in this Chamber, I cast the most difficult vote of my life when I voted to support President Bush by authorizing the use of force to expel Saddam Hussein from Kuwait. I did so with the knowledge that war might indeed be the result, but I cast that vote in hopes that by being prepared for war, we would encourage peace.

But part of preparing for war involves taking steps to protect our economy here at home, as well. Our administration has been extremely effective in marshaling our Armed Forces and building a strong and united international and diplomatic alliance. But I believe that more must be done to make domestic economic preparations for the possibility of war. Just as we would not and do not leave Saudi Arabia's oil refineries and production fields undefended, we should not leave our economy undefended against the economic consequences of a possible military conflict.

Last Friday, the International Energy Administration announced that it had agreed on an emergency contingency plan which, if implemented, would include demand-reduction measures—that is, to reduce the demand for energy—and a drawdown of the strategic petroleum reserves worldwide that would total 2.5 million barrels per day. There, however, has been no public announcement by the International Energy Administration or its member nations that this plan would be implemented immediately in the event of an outbreak of war. All they have done now is to adopt that they are calling an emergency contingency plan. Here in the United States, despite the fact that the Secretary of Energy has recommended to the President that he should tap our strategic reserves in the event of war, the President himself has given us no indication yet that he intends to do so. According to news reports, the administration indicates that it would seek to prevent an oil shock by assuring markets that high inventories and the availability of oil reserves will provide supplies that are needed.

But, Mr. President, there is a very big difference between merely pointing to the oil reserves and saying, "There they are," and actually announcing that if conflict occurs, we are going to tap those reserves—600 million barrels that we have invested in and put away for a day like this—to get that oil onto the market to demonstrate our Government's clear commitment to avoid any shortage of oil.

There is, in fact, a tremendous amount of oil on world markets, not counting the strategic oil reserves. Stocks today in the United States are at 327 million barrels, which excludes the 600 million barrels that we have in the ground and hundreds of millions of barrels that other countries have as well. In addition, there are reportedly 100 million barrels of unsold oil that are being stored in tankers at sea. So there is plenty of oil around. That has been one of the sad facts of the Persian Gulf crisis since the beginning of August, that oil markets have not followed the traditional rules of supply and demand. There is plenty of supply and, if anything, the demand has gone down. But as consumers know, the price of oil went up as high as $40 a barrel, and all of us have seen the result in the price paid at the pump.

Despite the adequacy of existing supplies, the oil markets have proven that they are extremely unstable and prone to tremendous price increases that are based not on fact, but on fear. Last week, when Secretary Baker announced that his talks with Minister Aziz had not been fruitful, the price of oil shot up $7 in a matter of minutes, and that was without a single shot being fired. You and I will eventually pay the prie of that speculation at the pump. If war does come—and I continue to hope and pray that it will not—uncertainties about the length and curse of the war and its effect on gulf tanker traffic will undoubtedly fuel speculation that will raise the price of oil. The "fog" of battle, particularly at the outset of the conflict, will encourage tremendous speculation on oil markets if steps are not taken to assure that supplies will continue to be adequate.

That is why I think it is so very important to send a clear signal now to keep the markets calm about future oil supplies. The Department of Energy's Energy Information Administration has already come to the conclusion that price increases as a result of war "would be reduced significantly with the activation of the International Energy Agency plan." I, therefore, call on President Bush to announce as soon as possible that he will, in fact, tap our strategic petroleum reserve and demand activation of the International Energy Administration emergency plan in the event of any hostilities in the Persian Gulf.

Mr. President, there are two other forces in our society that can help to protect us from suffering unfair and unnecessary consequences of a possible military conflict. One is the oil companies themselves, who, I think, since August have profited unfairly at our expense. In the event that war does break out, I hope that American oil companies will exercise restraint, that they will not take advantage of a skyrocketing market, and that they will charge only what they have to charge to meet the increased costs of producing their product. I also believe that the Commodity Futures Trading Commission should consider implementing a short-term emergency closure of oil futures markets if war breaks out and panic buying ensues.

The New York Mercantile Exchange has announced some reforms in its trading rules to prevent wide price swings, but I am concerned that those reforms do not go far enough to protect us from serious economic dislocation in the event of war.

So I hope the CFTC will consider closing those oil futures markets to give the markets, the industry, and the world a few days for the panic to subside, for the President to announce, in fact, that the strategic oil reserves are being tapped, and for all of us to understand that if conflict occurs, the supply of oil will be there.

By acting now we can send one more clear signal to Saddam Hussein that, while we wish for peace, we are fully prepared should war occur. We are prepared in the sands of the Persian Gulf; we are prepared on the waters sur-

rounding the gulf; and we are prepared here at home as well.

Mr. President. I yield the floor.

The PRESIDING OFFICER (Mr. EXON). The Senator from Kentucky is recognized.

CONTROL OF OUT-OF-STATE GARBAGE

Mr. MCCONNELL. Mr. President, our Governor of Kentucky yesterday called a special session. Among the items on the agenda is the serious local crisis confronting our State, and that is the question of out-of-State garbage flooding across our boundaries. Indiana has a similar problem.

Mr. President, the States unfortunately have their hands tied behind their backs when it comes to the question of control of out-of-State waste. The reason is that the Constitution gives Congress all of the authority to regulate interstate commerce and decisions of the Federal courts have held that garbage is in interstate commerce. The conclusion I have reached is that our State, the Governor, and the legislature may well be wasting their time in seeking to legislate in this particular area without an enabling law at the Federal level.

Just last fall the Senator from Indiana [Mr. COATS] and myself worked to get legislation passed and, in fact, it did pass the Senate which would grant the States the authority to at least legislate higher fees for out-of-State garbage than for local garbage and under certain circumstances actually ban the import of long distance out-of-State garbage. This is a crisis not just in Kentucky but in various places all across the Southeast.

It is time that the Congress acted to grant the States the authority to have some control over long distance, long haul, out-of-State garbage which is a serious environmental concern, particularly in the Southeast. In that regard, Mr. President, yesterday I introduced legislation designed to give States control over out-of-State garbage.

Like last year, my action was prompted by the solid waste crisis confronting our States. Shrinking landfill capacity, public opposition to new landfills, ground-water contamination, and lack of funding to upgrade and modernize landfills are huge problems. For States like Kentucky and Indiana, the inability to regulate imported waste makes the situation practically unmanageable.

In Kentucky, as I indicated earlier, the Governor has called a special session of the legislature in an attempt to deal with the issue. In reality, though, any attempt by this special session to limit out-of-State garbage will end up being futile, a complete waste of time, because, Mr. President, there is an absence of a statement of congressional intent. Without that, the courts have consistently struck down efforts by States to legislate out-of-State waste.

The courts have recently done it again in Indiana. A similar court decision upheld a previous line of cases that have said that States in the absence of Federal enabling legislation simply do not have the authority to deal with this issue.

Why should Congress act now? Look at Kentucky's situation and the reasons become clear. Last year, my State imported 500,000 tons of garbage. This year, that figure will be in the range of 600,000 to 700,000 tons and could double in the next few years.

Out-of-State waste brings with it costs in the form of road wear, loss of landfill capacity, visual pollution, odor, and ground-water contamination. These costs are borne by Kentuckians, not the residents of exporting States and not the people generating the waste.

My bill helps States recoup these costs by allowing them to distinguish between in-State and out-of-State garbage by charging higher fees on the out-of-State waste.

This approach ensures that if other States want to send their garbage to Kentucky, the residents of those States, and not Kentuckians, pay the true costs of disposing of it. This approach is under consideration in the Kentucky Legislature, as we speak. I personally believe it is best for my State. I recognize, though, that each State has a different situation, and I support the congressional efforts that will grant more authority, in any form, to the States.

I have joined with my colleague and good friend from Indiana, Senator COATS, to introduce legislation which, in addition to allowing States to charge higher fees on out-of-State garbage, also authorizes the States to ban imported garbage if they have certain solid waste management plans. This Coats-McConnell bill passed the Senate last year but died over in the House.

Since last year's action many of my colleagues have expressed to me their interest in and concern with the inability of their States to control out-of-State garbage. These Senators are committed to getting this bill through the legislative process and into law. I am encouraged that the 102d Congress will act effectively on this issue.

As I have said many times before, we are attempting to help States handle an immediate problem: out-of-State waste. We recognize our approach is not a total solution to the Nation's garbage crisis, nor is it intended as such. The Federal and State governments must continue to work together to develop a responsible, comprehensive strategy which combines source reduction, recycling, combustion, and landfilling. In the meantime, we can provide immediate relief to States and give them some breathing room to get their own waste management problems under control.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 94-201, appoints Robert Malir, Jr., of Kansas, to the Board of Trustees of the American Folklife Center.

THE PERSIAN GULF SITUATION

Mr. KERREY. Mr. President, in this morning's Washington Post there is a story which describes the results of a meeting between congressional leaders and President Bush. Since the leadership represents me and I represent the citizens of Nebraska I choose to comment on reports of some statements made at this meeting.

President Bush apparently feels the pressure of the deadline upon him. He appears to be concerned about the impact upon Saddam Hussein's status if, as the Post story paraphrases "a senior official in the administration," he wins Arab approval for having faced down the United States deadline. Further, according to the administration official, there is concern that Hussein will begin to pull out his forces, which would make a military strike more "complicated."

The story carried a quote from this senior official of the Bush administration:

> I think if he (Saddam Hussein) is playing chicken, he will hope that he can get away with the deadline passing and he can claim he stood down the world, and he'll hope to have enough warning that he can back down later. Today (January 15) is a watershed date beyond which he can say he is a hero.

This troubling statement suggests the administration is intent on precluding any Iraqi boasting, no matter how hollow the boasts, no matter how high a price Americans must pay to prevent those boasts from being made. Compliance with the U.N. resolutions is suddenly no longer enough; now Iraq's humiliation is also required. If we can get Iraq to withdraw fully, I, for one, would rather suffer Iraq's fatuous spin-doctoring than thousands of American and Arab casualties.

Mr. President, I want to restate my belief we have put too much emphasis on Iraqi withdrawal. We have transformed January 15 from a deadline for Saddam Hussein into a deadline for our soldiers. We have put the pressure on ourselves.

The most persuasive objectives—protecting a vital economic interest, stopping aggression, and beginning to reverse the military power of Iraq—all of these have been accomplished. An early war will not necessarily bring them any closer.

The fear which pushes us toward an immediate war is not the military threat of Iraq. Their military forces have been more completely contained than any threat the United States has identified in the past. The fear expressed by the senior official of the Bush administration is a political fear that somehow a delay will give Iraq a public relations victory. Until yesterday, I was not aware that public relations was a vital American interest justifying loss of American life.

It is not too late for patience. My wise and distinguished colleague from New York, Senator MOYNIHAN, made this point eloquently in an op-ed in today's New York Times. I will ask unanimous consent that a copy of Senator MOYNIHAN's statement be printed at the conclusion of my remarks.

Perhaps the worst side of this impatient fear manifests itself when the potential for an Iraqi withdrawal from Kuwait becomes bad news. It would be tragic if Iraq admits defeat by beginning to withdraw but out leaders conclude that war is still necessary because something about the way in which the withdrawal occurs is not right.

Personal pride can blind us and make it difficult to see the obvious. Time, not pride, is our best ally.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 15, 1991]

RESTRAINT, MR. BUSH

(By Daniel Patrick Moynihan)

WASHINGTON.—As we wait to see what will happen now in the Persian Gulf, it may be useful to record what was supposed to happen but did not. We are supposed to see the emergence of a "new world order" in the course of the first crisis of the post-cold-war era. For a period, it looked as if we might just; then, in an instant, we relapsed into the cold war mode.

The Iraqi invasion caught us unprepared as to identity a friend and foe. We had been backing Iraq. A week before the invasion, the State Department stoutly opposed the Iraq International Law Compliance Act, as reported from the Senate Foreign Relations Committee, cutting off agricultural subsidies until they stopped using poison gas.

By contrast, we had endured Kuwait, a none too pretty principality much given at international conferences to pronouncements concerning "the Zionist entity" receiving "economic, technological and political assistance from the United States." How then to respond to an invasion that threatened, among other things, Saudia Arabia.

We turned to international law, a code of conduct neutral as to the parties' prior posturings. In one news conference in August, President Bush used the term six times. We turned to the U.N. for the first time ever such a situation, the permanent members were in accord.

Pursuant to Security Council resolutions, we dispatched forces to defend and to deter, and to uphold economic sanctions. Something very like a world police action commenced to take shape. Then, of a sudden, on Nov. 8 the body rejected the transplant. We lapsed back into the cold war mode of massive military deployment.

War plans were drawn. The public was informed that intelligence findings—necessarily secret—pointed to the inevitability of hostilities. Terror alerts were sounded. The F.B.I. began checking on yet another ethnic group. At the turn of the year, the President would state on TV: "Standing up against this aggression—no price is too heavy to pay for it."

This, of course, is the language John F. Kennedy used 30 years ago next Sunday, at the height of the cold war: "pay any price, bear any burden." Many thought Soviet Union had opened a lead in ICBM's, the ultimate weapon of destruction. World Communism was at its apogee, its progress declared irreversible; the next and final stage of history.

How could such terms come to be applied to the depredations of a third world thug? Any price? A million Arab civilian casualities? Of course not. Some price, to be sure. But a proportionate price. Our share. Curiously, this is more a possibility now than any time since November. Thanks to last week's debate and Saturday's vote in Congress. And thanks also to the Soviet tank in Vilnius crushing a human before our eyes.

Saturday's vote authorizes the President to go to war. He asked for this authority and got it. For a moment, there he was asserting, in the cold war mode, that he didn't need it. The Constitution took something of a beating during the cold war. How could it not have in the course of 30 to 40 years in which Presidents knew they would have 10 minutes at most to decide whether to launch a thermonuclear second strike?

All right; that was then. Now a certain normality reappears. Which is to say a sense of proportion. Why should this not now phase over into a sense of proportion about what is at stake in the gulf? Important principles, yes. Ultimate issues, no. Nothing worth the war now being contemplated. Time is on our side. Were Mr. Bush to show, in Dwight Eisenhower's phrase, "the courage of patience" he could end up with Mr. Eisenhower's stature as a military strategist.

Just as importantly, we have got to pay attention to the breakup of the Soviet Union. And to the fact that through half a century of the cold war our vast intelligence system learned everything there was to know about the Soviet Union except that it was breaking up. We could be returning to the chaos of 1919 in that vast wretchedly governed, wretchedly unhappy land. The 75 year struggle against totalitarianism has reached its endgame, but the final outcome remains, of course, uncertain. This is a state that still possesses 10,000 nuclear warheads, and civil war inches closer by the day. That for certain is a war the world does not need—which needs to be uppermost in our mind.

S. 41—THE 1991 COST-OF-LIVING ADJUSTMENT FOR DISABLED VETERANS AND THEIR DEPENDENTS

Mr. KASTEN. Mr. President, I rise today with several of my distinguished colleagues to introduce legislation which will provide a 5.4-percent cost-of-living adjustment [COLA], retroactive to January 1, 1991, for our Nation's disabled veterans and their widows and children.

I was very disappointed late last year when Congress was unable to reach agreement on granting this modest increase in benefits to a most-deserving segment of our society.

As the brave men and women of our Armed Forces prepare for the possibility of war in the Middle East, it becomes more necessary than ever that Congress show its support for all those who have led this country into battle. We must act quickly to ensure passage of this legislation. I believe that our best chance for success is a clean COLA bill.

The swift passage of a cost-of-living increase is a priority for all in this Congress. We have been divided only in how we can best provide for our veterans. There are bitter and deep divisions on this question. However, if we remain divided, we will not only fail in passing this legislation, we will fail all of our disabled veterans.

Our veterans have proudly served this great Nation and they deserve our utmost respect and support. They have given of themselves so that future generations of Americans could live freely. Congress must not let them down again. I urge my colleagues to support this bill.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,131st day that Terry Anderson has been held captive in Lebanon.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CAMPAIGN FINANCE REFORM

Mr. BYRD. Mr. President, comprehensive campaign finance reform was introduced yesterday in the Senate. This will make the third consecutive Congress which has witnessed the early and emphatic introduction of this important legislation. Always accompanied by impassioned pleas for action, now, and much editorial ink, this fundamental and very important effort has, so far, foundered on the rocks of partisan mistrust.

Congressional campaign finance reform became a major issue in the 100th Congress when Senator DAVID BOREN and I introduced S. 2. Senate Republicans filibustered the bill, and after eight cloture votes, I reluctantly withdrew the legislation. Reform had been killed.

In the 101st Congress, Senator BOREN, Senator FORD, Senator MITCHELL, and I again introduced comprehensive campaign finance reform, S. 137. Six public hearings were conducted by the Rules Committee on our proposal and on several other proposals submitted by Senators of both parties. A task force was appointed by the majority and minority leaders to try to find common ground between the political parties. A substitute, encompassing many of the provisions of S. 137, was finally considered by the Senate, and the substitute measure was passed in the Senate on August 1, 1990. I am proud to say that an amendment offered by Senator DODD to ban honoraria was added to the Senate bill. I was a cosponsor of that amendment. I continue to believe that an honoraria ban must be part of any real reform. The House of Representatives also passed a campaign finance bill, but the conference to reconcile differences never really engaged, and the measures died at the end of the 101st Congress. It seems that we had found yet another way to kill campaign finance reform. This time we had found a way that allowed Members to claim support for reform in an election year.

Now here we are at the beginning of another Congress. We have come through yet another outrageously expensive, publicly nauseating congressional campaign cycle and nothing has been done about campaign finance reform. The public is disgusted, and still nothing has been done. It is my fervent hope that, free of congressional campaigns this year, the Senate will get serious, this time, about enacting campaign finance reform into law and that the other body will do like-wise.

Mr. President, candidates for congressional office have become addicted to big money. We are on a treadmill and we cannot seem to get off. As we raise more and more money in each cycle, the costs of hiring consultants, buying TV time, producing slick, negative commercials, and throwing fundraising events also rise each year. Like drug addicts, we do not seem to be able to find the discipline to get ourselves off the treadmill and on the road to recovery. And, like addicts the cure for the addiction has to come from within. We are the only ones who can stop the money chase.

The money chase has become an unending circular marathon. The share of money coming from small contributors has declined while the share contributed by PACS has increased. Candidates have to look more and more outside their home States to raise these big bucks. The traveling, the time away from the Senate, the time away from talking with constituents, the time robbed from reading and reflection, the personal time stolen from our wives, our children and our grandchildren, the siphoning off of our energies to the demands of collecting what has been called "campaign grease," is making us all less able to be good public servants. Ironically, we spend much time and raise huge sums of money in order to be reelected to the Senate so we can serve our States and our country. Then, once here, we cripple our ability to serve our States and our country by spending an inordinate amount of our time on the money treadmill so we can come back for yet another try at serving our States and our country.

Moreover, the intertwining of campaign money with legislative business is tainting the decisions that we do make when we are here and voting.

Let this be the year we take ourselves off the treadmill, drop out of the marathon, and kick the money habit. The bill introduced yesterday will help us all to go back to being what we came here to be—good public servants and serious, full-time legislators.

This legislation will allow for voluntary spending limits based on State voting age population. The limits could be increased by up to 25 percent of the total spending limit, if that amount is raised in contributions of $100 or less from in-State individuals. Note that the spending limits are voluntary, but once agreed to and accompanied by the raising of a threshold amount of 10 percent of the general election spending limit in individual contributions of no more than $250, one-half of which must come from in-State, the participating candidates are eligible for certain benefits. Those candidates would be eligible for lower mailing rates, lower broadcast rates and broadcast vouchers amounting to 50 percent of the general election limit, if the ads aired are between 1 and 5 minutes long. Eligible candidates would also receive public funds to respond to ADS by outfits like NCPAC or other so-called independently-financed broadcast ADS. If an opposing candidate exceeded the spending limits, complying candidates would receive additional public funding. These provisions are intended to stop the money chase by enacting voluntary spending limits, and encouraging compliance by having backup public moneys available to level the playing field with a nonparticipating opponent. These changes are also designed to help control the cost, while improving the content of TV campaign ads.

In addition, PAC's would be prohibited from contributing to Senate candidates, and limited in what they could contribute to national and State party committees.

The controls on soft money in Federal elections would be stiffened, and bundling to avoid contribution limits would be prohibited. These provisions would help to get the undue PAC influence out of the legislative process and evict the invisible PAC man from the Senate Chamber. Other important provisions in the bill would outlaw leadership PAC's, reform the Federal Election Commission, limit the spending of personal funds for election to the Senate, and prohibit the receipt of contributions after an election to repay personal loans.

Many times during the debate on S. 2 and in last year's debate we heard from opponents that the bills were only a partisan attempt to ensure the reelection of incumbents. In reality, it is the present system which protects incumbents. The fund-raising gap between incumbents and challengers has never been greater. The voluntary spending limits, back-up public financing, and other reforms in this legislation would serve to put the net at the same height for both challengers and incumbents.

I believe that at the root of the problem with enacting campaign finance reform are mistrust, partisanship and fear of losing advantage. Nothing will happen if we do not overcome each of our own personal fears of losing a leg up. This is an intensely personal place on matters of this nature, and the problems with enacting this legislation have a lot more to do with the dynamics in this Chamber than they do with most anything else.

In a sense, we politicians have lost faith in ourselves. We are afraid to let go of the slick ads and the high-priced consultants—afraid to let go of the PAC money and polls—unsure that we want to change the rules of the game that we all undertstand and know so well.

But the people understand the game, too, I hope. Sometimes I wonder, however. I have long felt that once the people really understood how much time we spend on fundraising and away from our committees and away from the floor and away from our families, and how this affects the perceptions of this institution, and how it undermines the trust in the institution—I have long felt that the people would rise up and demand that we clean up our act and enact legislation.

Thus far, they do not seem to have done it. They prefer to talk about limiting the terms of Members; limiting the terms of Senators; limiting the terms of House Members. I wonder if they would stop and think how they could limit the terms of Members if they would merely go vote on election day. If they do not like the Members of the Senate or Members of the House or any particular Member, they can vote those Members out. They are the final judge. They have the final act, and hold the final stamp of approval or disapproval.

It is a sad commentary on our political system when we look at the statistics and see how increasingly the American people are not going to the polls. And how an individual can stand up to his children and grandchildren and ask them to be good citizens, and

he himself or she herself not go to the polls on election day and vote is beyond my comprehension.

But at least some people understand what is going on. And those who do, most of them I would say, do not like what they see. I would guess that even the people who have the PAC's, they probably would like to see some changes as well. I feel sure that they get tired of seeing us come to them with our hats in our hands and our little tin cups, asking them to contribute more and more and more.

The old song, you will recall: "Give me more and more and more of your kisses."

I expect those PAC people get tired of our coming and saying, "Give me more and more and more of your PAC money."

People do not like it, those who are aware of the amount of time that we consume in raising money and how it takes us away from our jobs to which we are elected. It would seem to me that they would believe that we are cheating them—we are cheating the people.

While we bemoan the lack of public confidence in public officials, we have it in our power to do something about it and to do it this year. We can act. We can put down the tin cup. We can stop mainlining the grease to oil the machine. We can regain some public respect and some self respect.

I implore my colleagues, let this be the year that we take ourselves and our responsibilities seriously. We are the problem, and only we can craft the solution. We will have an opportunity to do that this year, and I hope that we will not let that opportunity pass again.

The PRESIDING OFFICER. The Senator from New York is recognized.

THE BALTIC CRISIS

Mr. MOYNIHAN. I thank the Chair, and I rise, as others have done, to support, as a cosponsor, the important resolution on the Baltic crisis that has been presented to the Senate by our eminently beloved President pro tempore, the Senator from West Virginia; the majority leader; and the Republican leader, respectively. I would like, if I may, not just to support their action, but to draw attention to the general implication that we have here, which is a Baltic crisis, and by extension a much more serious event, a yet more serious event, a crisis of the regime in the Soviet Union.

This has been coming for some time now, Mr. President. As late as the 1970's, a number of us, looking as best we could at the situation there, observed two phenomena about the Soviet Union which had been existing there for some time but now were becoming acute.

First was the failure of the Soviet economy. It was evident for anyone to see who had eyes to see with. The 1960's were years when we first began to have exchanges with our scientists to go to the Soviet Union, armament nuclear scientists and the Pugwash meetings, things like that. They would come back and say Soviet science was good—they have always had good scientists; they had great scientists in 1960—but that their economy was a disaster; it was in ruin.

We were asked to believe, in the more paranoid days of the cold war, that although the Soviets deliberately perceived a kind of reverse Potempkin village to the world—an outwardly awkward, barely functioning early 20th century economy, it could make steel and a few other things like that, but it could barely feed itself. It used to export food. But, in fact, behind this shabby facade was a gleaming monster of magnificent industrial and scientific capacity concealed from the rest of the world. The elevators did not work, oh, but those rockets.

Their rockets worked as long as the Germans, whom they shared with us in 1944, were working. Not to denigrate that, but basically the Soviet economy could not move from a command system of production, such as steel and coal, to the information-based economy of the present time. To this moment, Mr. President, Moscow does not have a telephone directory. Telephone numbers are state secrets. You do not share information. You do not let computer hackers tap into the 5-year plan. Information is rationed. It is kept very close. When a society depends on a diffusion of information, the economy fails.

Our intelligence system missed this completely. We start out with the Gaither Commission in 1957 which told us there was a missile gap; which told us that the Soviets were building twice the machine tools per year that we were; which told us that if you just used the algebra of where they were and the rate of growth half again as much as the United States, next year the Soviet GNP, the Soviet economy, would be larger than the American economy, probably at 25 percent.

But that was secret. This was what the President "knew." What the President knew was wrong, but it was a secret, and no one could say, in a matter of science, "It does not look right to me," and confirm or reject this analysis.

As late as 1979, Mr. President, the CIA estimated the Soviet Union to have 62 percent of American GNP. That ratio then in those terms would have almost doubled in 20 years. That is the rate at which they were closing on us so that by now it would have been closed completely. That is again what Presidents knew and from that information proceeded to build up vast weapons systems because they assumed the Soviets had the capacity to watch us.

Simultaneously, we could never understand the power of ethnicity, nationalism in the case of the Baltics. Latvia, Estonia, and Lithuania were members of the League of Nations. That is why we never recognized their absorption by the Soviet Union. The Soviet Union is a vast empire of mixed up ethnicities, lingual groups, half great Russian but spread everywhere.

There were two central facts of Marxism. Marxism-Leninism predicted that socialist production would be more efficient than capitalist production—that was absolutely essential—more efficient because of the built-in instabilities of capitalism, the tendency for there to be a diminution in the profit margins, the consequence and result being the misery of the proletariat and internal turbulence. Colonialism was used to explain a temporary abeyance of that imminent collapse. The capitalist world was going to collapse, having so many contradictions. The socialist economies would expand. Simultaneously, ethnicity would disappear. The red flag is red because the blood of all mankind is red, and as the Communist manifesto said, the working man has no nation; they will all unite. If you believe that, you will believe anything.

Toward the end of his life, Engels began to see it was not working out that way, and then in 1914, when the socialists in France voted credits for the war, Germany, Austria, so forth, it collapsed on site. Still, it was doctrine. And when those 20 central doctrines about the superiority of the economy and the disappearance of the preindustrial phenomenon as they thought of ethnic attachments, national attachment, language attachment, religious attachment, when those two things failed, there was bound to be a crisis of belief, and that in turn would lead to a crisis of the regime. One could argue that way. One did.

I regret speaking in the first person, but Newsweek in 1979 had a symposium on what would happen in the 1980's. I made a small contribution. I said in the 1980's, the Soviet Union would blow up and that would be a very dangerous thing because who gets custody of 10,000 nuclear warheads? It happened. Our intelligence community missed it completely. The cold war assumptions on which we built our executive branch just had no room for that, and they still do not seem to get it. They still do not seem to see the central crisis of the century is the breakup of the czarist empire called the Soviet Union. It could be devastating and violent, agonizing and bloody, potentially nuclear.

Somehow we have to involve the West in bringing some kind of stability out of that situation. That is what Sen-

ator BYRD wants to do. He knows perfectly well you cannot move to a repressive system, such as we saw in Vilnius over the weekend. It guarantees a spreading disaster.

The Ukraine next, Georgia, Moldavia, Byelorussia, Azerbaijan, Uzbekistan. Once one, then another. And inside each enclave other enclaves such as Ossetia, an area of Persian-speaking peoples in Georgia cut off by the Mongols from its Persian base. It is now demanding its autonomy from Georgia, and Georgia is denying it, that kind of thing.

We have to attend to this. It is entirely possible that Mr. Gorbachev is telling us the truth when he said he did not know. It is entirely true that the Red Army is asserting that the honor of the army is at issue here; the draft, and the army will assert its concerns. what will happen we do not know.

But we surely do understand a large interest in stability in that region, in the transition from a central control to either independence or confederation or some form of relationship yet to be invented, devised. That is the real object. That should be the center of our concern in the world just now. Senator BYRD has focused on it. We will once again have to be grateful to him for that.

I am delighted to yield the floor at this time.

The PRESIDING OFFICER. Does the Senator from Minnesota seek recognition.

Mr. WELLSTONE. Yes, I do. I thank the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

Mr. WELLSTONE. I wish to thank the Senator from New York for his comments. I would love to have been a student in one of the Senator's classes. I say that as a teacher.

PHONE SADDAM HUSSEIN

Mr. WELLSTONE. Mr. President, yesterday many parents of men and women in the Persian Gulf were here.

They are so frightened that their children will die in a war in the gulf, and I believe that every single citizen in our country can understand their fear. I remember not too long ago at a gathering of Woodbury, MN, guardsmen who were to leave for the gulf. I did not know what to say, but these were the words that come to my mind.

I said to those men and women: "We are proud of you and we will support you." I said to those men and women: "we hope and pray that you never have to go to war." And then I said, I will do everything as a U.S. Senator to make sure that you do not have to go to war.

It is in this spirit that I rise to speak today. I heard Senator HARKIN say to the President of the United States—and I think he said it with eloquence and power—President Bush, pick up the phone, pick up the phone and call Saddam Hussein and talk directly to him.

There are those who say it is too late. It can never be too late. It can never be too late to aviod war and the resulting massive loss of life. The President of the United States has been very clear to Mr. Hussein about what will happen if he does not end his unlawful occupation of Kuwait. I believe we have made it very clear what war will be all about. But I hope the President of the United States today, as we approach war, can pick up the phone and also be clear with Mr. Hussein what will happen if he does leave Kuwait. He should be clear what this war is not about.

We should be clear to Mr. Hussein that this is not a war in opposition to a peace conference in the future. We are not opposed to a peace conference that will deal with a variety of important fundamental disputes and problems in the Middle East. In fact, we have gone on record supporting such a conference.

We should make it clear that we are not going to be involved in fighting a war which would prevent a just settlement of disputes between Iraq and its neighbors. In fact, the very first United Nations resolution makes that very point.

We should make it crystal clear to Saddam that we will not be fighting in a war to remove Mr. Hussein from power. We have already assured Saddam Hussein that if he leaves Kuwait—and he must leave Kuwait—there will be no such attack on his country.

Mr. President, it is very late. There were those in our debate who said they were not voting to go to war. They did not want to go to war. I know they meant that. Many of my colleagues said we are voting to give the President full strength to negotiate. We are not voting to go to war.

But as I speak today, it does not feel that way to me. It feels as if we are very close to war and to a terrible loss of life.

So I rise today to echo the words of Senator HARKIN and to say to the President of the United States, take that last step, take that last step. Pick up the phone and make that call and speak directly to Mr. Hussein. No harm would come from that. It can only do good, and it is never wrong to do everything you can to avoid war.

I thank the Chair.

The PRESIDING OFFICER. Since no one else seeks recognition, does the Senator suggest the absence of a quorum?

Mr. WELLSTONE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. WALLOP. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DASCHLE). Without objection, it is so ordered.

Mr. WALLOP. Mr. President, is the Senate in morning business?

The PRESIDING OFFICER. The Senator is correct. The Senators each have 10 minutes during which to speak.

The Senator from Wyoming is recognized.

Mr. WALLOP. I thank the Chair.

(The remarks of Mr. WALLOP pertaining to the introduction of S. 215 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WALLOP. Mr. President, I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COUNTDOWN TO COMBAT

Mr. EXON. Mr. President, this is January 15, 1991, and this Senator finds himself in a position of not being able to concentrate on the other matters that have been discussed and have come before the U.S. Senate in the last few days, as important as many of those suggestions are.

I am most concerned, Mr. President, and my heart has never been heavier than it is right now with what I can only conclude is a countdown to combat. The news tickers have indicated that the latest initiative by the French, which most people thought was a last chance for some kind of a peaceful resolution, has collapsed.

There is one last hope. As of now, the United Nations is debating a one last appeal—and I think that is the only way to describe it—to Saddam Hussein to announce his withdrawal from Kuwait within a matter of the next few minutes or hours at the outside.

Meanwhile, we have domestic and economic distress here at home with the failure of many of our financial institutions. Overseas, in addition to the all-encompassing, overwhelming consideration of the combat situation that faces us up front and very, very soon, we see what this Senator feels may eventually be a disintegration of the Soviet Union at a time when stability from the Soviet Union would help possibly to assure some kind of a resolution of the problem at hand.

The news tickers also indicate today that, in addition to their forceful ac-

tions in Lithuania early this morning, Soviet forces also struck in the neighboring Baltic State of Latvia and forcibly seized a police academy. I have been very disappointed at the response from Mr. Gorbachev, the author of perestroika, and I am very fearful, Mr. President, that possibly Mr. Gorbachev himself has lost control of the military in the Soviet Union.

Therein lies another overpowering concern of mine. As chairman of the Subcommittee on Theater and Nuclear Forces of The Armed Services Committee, I have long struggled with the ultimate threat to mankind and that is the reascension in the Soviet Union of the hardline military leadership that I am very fearful is taking place right now. Now that concept has been poohpoohed by many over the past year while we understandably became elated at the reductions in tensions between the two world superpowers and their heavy inventory of nuclear ICBM's.

I guess the good Lord is testing us at this time. The good Lord is certainly testing the President of the United States. I think it is all proper that we have been and will be praying for the President of the United States in making the absolutely deadly decision that he likely will reach in the immediate future.

There have been many suggestions as to what might be done at this turn. I hope that, after the expiration of the January 15 magical date, the President could possibly come up with one last attempt of some type to bring Saddam Hussein to his senses before he unleashes the attack that seems to be all but upon us.

So I hope that before the shooting begins—as I am extremely fearful that it will in the next few days at best—that our President will make one more last, final effort to see if some suggestions from some quarter might not eradicate the drive that is now on for immediate combat.

Mr. President, this is the beginning of my 21st year of high public service. I do not remember a time when I have been more uptight, more concerned, more unable to focus on the other duties that befall all of us than I am right here this late afternoon on the floor of the U.S. Senate. I guess that, as we approach the countdown to combat, we can only as best we can assure the dedicated troops—men and women alike that we have arrayed on that Saudi desert today—that if combat comes, once again, we will all unite and provide our forces with everything that they need for their protection.

Therefore, Mr. President, I can only say also to the friends and relatives, wives, sons and daughters, mothers and fathers who are going through untold hell right now that we understand their plight and we will continue to do everything that we can as a body of the U.S. Senate to ease their anguish and ease their pains as best we can.

I do not know what much else I can say because I think I said it all, as far as this Senator is concerned, in my address during the debate that we had last week, on Thursday of last week. I said at that time that I was not sure, without any equivocation or mental reservation whatsoever, that this one Senator's position was a correct one, but it was one arrived at after a lot of soul-searching.

I suggest, then, with the few minutes relative to countdown, we can all only hope and pray that some way, somehow, we will have a new birth of understanding to prevent what otherwise are going to be extremely grave consequences.

I close, Mr. President, saying that the United States of America and the people we have representing us today in the Saudi desert are strong, they are dedicated, and they are talented. When I watched last night, at about 11:30, some of those very young faces and saw their dedication and yet the concern one could see in their eyes, I could only say to them "Godspeed" in whatever you are called upon to do under the unfortunate circumstances that confront us.

The question, I think, on the minds of most people today is how long after midnight tonight, save some dramatic change of events—how long after that time are we likely to go into combat?

Unfortunately, I suggest probably that decision will most likely best be made and is likely best controlled by the weather in the Middle East area. If the weather for the next few days is not conducive to military activity—which I hope and pray it is not—then maybe the weather can be a factor here and at least give the leaders of this Nation and other nations the chance at one last attempt at some form of reconciliation.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CONRAD). Without objection it is so ordered.

S. 23—VETERANS COST OF LIVING INCREASE

Mr. MURKOWSKI. Mr. President, as you know, our Nation's veterans have not as yet received the cost-of-living increase in the compensation paid to veterans with disabilities which were sustained while those veterans were on active duty. This occurred because Congress failed to enact such legislation in the 101st Congress. Our veterans deserve an explanation as to why that action did not take place.

Some Members of the Senate and House refused to permit what we called a clean cost-of-living or COLA bill from being passed by the Congress in the last hours of the 101st Congress. These Members sought to have the consideration of agent orange legislation tied to the cost-of-living bill. As a result, the Senator from Alaska sought to reach a compromise with those most active, the specific prime movers of the most controversial agent orange provisions. Several of my colleagues and I initiated a compromise which would have provided for an unbiased additional review of the evidence by appropriate scientific bodies with both the unquestioned ability and the independence from the Government.

Sadly, the compromise offer was rejected. I then sought to formulate a clean COLA bill. If a compromise on the agent orange question could not be reached, I sought to ensure a COLA for America's disabled veterans through a COLA bill unencumbered with controversial provisions. Unfortunately, this effort was also doomed to failure. Proponents of the controversial provision would not agree to a bill which did not include their agent organge provisons. In order to correct this situation, legislation must be quickly enacted so that our veterans can receive their COLA's.

Mr. President, I was pleased to join with my friend and colleague from Wyoming, Senator SIMPSON, as an original cosponsor of S. 23, which would provide for a COLA for our Nation's veterans. I look forward to working with Senator SIMPSON and other Members of the House and Senate and the Veterans' Affairs Committee to make sure that our veterans receive their COLA.

Mr. President, I reassure America's disabled veterans of our commitment to their benefits and to the necessity to protect those benefits from the adverse effects of inflation. The failure of the 101st Congress to enact COLA legislation will, of course, not be the last word on the issue. My efforts and those of others will continue to ensure that veterans get their deserved COLA. I also hope that the difficult issue of agent orange will ultimately be resolved.

I thank the Chair. I yield the floor.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that I might proceed for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE GULF CRISIS

Mr. DURENBERGER. Mr. President, I think I know the reason why, but this is a very somber day in my life, in your life I suspect, in the committee hearings that we are in, in our offices, on

the street, in this Capitol and I would imagine all over the world.

Mr. President, there is not much that can be said on this floor this evening that can make much difference about that. The American people are anxious tonight because they do not know what is ahead. They do not know what this particular moment in history that we are all living will mean. They do not know how events will effect them. As their leaders, we share their anxiety, and we feel it just as acutely as they do.

We are not at war. War is not inevitable. The passage of the deadline tonight at 12:01 Eastern Standard Time does not guarantee war. It only authorizes the President to use military force if he decides that is absolutely necessary.

Mr. President, George Bush is a fine man, and he is an experienced President. We could not ask that such a decision rest on better shoulders. It is Saddam Hussein, in fact, who is choosing war, one he started when he invaded Kuwait more than 5 months ago.

So, Mr. President, the choice rests with him. We all pray that he is rational enough to know that the only course is to begin to withdraw from Kuwait. Tonight we are all hoping for the best, and we are preparing for the worse.

If I could offer any words of advice to Minnesotans on this fateful night, they would be these: If you have an American flag, fly it proudly. If you have prayer in your heart for your leaders, and especially for your adversary tonight, pray. If you have a friend whose loved one is now in harm's way, write them—or better than that call them tonight, tell them you are with them, and you are really proud of them.

If you have a family gather together. And if you have children, talk to them tonight about how they live in the greatest country in the world, and remind them that as people we are great because we stand for principle, and we are willing to pay the price for taking that stand.

Mr. President, I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair.

ALASKAN AIR TRAFFIC CONTROLLERS

Mr. MURKOWSKI. Mr. President, I would like to take a moment to recognize the contributions to public safety made by a very special group of Alaskan air traffic controllers. These 19 individuals were the ones assigned to staff the temporary control towers set up in Valdez in response to the Prince William Sound oilspill, and in Tanacross in response to last summer's devastating forest fires.

These air traffic controllers were pulled from their jobs at the Anchorage and Fairbanks airports, and were given the demanding task of managing large volumes of air traffic in areas unaccustomed to such activity. Though it generally takes up to several years to fully learn to manage air traffic at any given airport, the diligent study and professional experience of the controllers allowed them to adapt rapidly to their assigned tasks. The result was a flawless performance.

During the peak month of the oilspill cleanup, in April 1989, Valdez airport saw a nearly twofold increase in air traffic volume. The over 8,000 takeoffs and landings made at Valdez that month gave the airport a traffic count comparable to those at McCarren Field, Las Vegas, and Orlando International Airport in Florida. These controllers were an essential part of efforts to mitigate the effects of this environmental tragedy.

The portable control tower at Tanacross, AK, was commissioned for only a week in July 1990, but was operational during the most unpredictable and dangerous days of the fire. The controllers managed a large volume of air traffic operating in a small area, and were challenged by both high winds and limited visibility. The controllers themselves were in danger of being trapped by the fire, but continued to man their stations until the last firefighting pilots were returned home.

Mr. President, as a direct result of the work of these 19 air traffic controllers, no human lives were lost in air travel during these dangerous times. I hereby offer my deepest thanks to these professionals, and ask unanimous consent that their names be printed in the RECORD. I thank the Chair.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

These are the contractions for the following list:

(1) VDZ—Valdez, Alaska.
(2) TSG—Tanacross, Alaska.
(3) ADQ—Kodiak, Alaska.
(4) FAI—Fairbanks, Alaska.
(5) ANC—Anchorage, Alaska.
(6) MRI—Merrill Field Anchorage, Alaska.
(7) TWR—Control tower.
(8) REG—Regional Office Anchorage, Alaska.

Name	Assisted		Facility	From	To
Chuck Hallett	TSG	TWR	FAI	7/21/90	7/27/90
Dave Levesque	TSG	TWR	ANC	7/21/90	7/27/90
Allen Hoffman	TSG	TWR	MRI	7/21/90	7/27/90
Brad Robinson	TSG	TWR	ANC	7/21/90	7/27/90
Larry Lescanec	TSG	TWR	ANC	7/21/90	7/27/90
Wayne Bates	VDZ	TWR	REG	3/25/89	10/10/89
Gene Wehe	VDZ	TWR	ADQ	3/26/89	10/14/89
Kevin Haines	VDZ	TWR	FAI	3/29/89	4/27/89
Bernie Campau	VDZ	TWR	FAI	3/29/89	4/12/89
Doug Coats	VDZ	TWR	FAI	4/11/89	5/08/89
John Little	VDZ	TWR	ANC	4/25/89	5/30/89
Randy Kline	VDZ	TWR	FAI	4/27/89	8/28/89
Kevin Ford	VDZ	TWR	FAI	4/27/89	10/14/89
John Brooke	VDZ	TWR	FAI	5/5/89	10/5/89
Bob Phillips	VDZ	TWR	ANC	5/7/89	9/28/89
Doug Moehle	VDZ	TWR	FAI	5/27/89	10/7/89
Curt Faulk	VDZ	TWR	ANC	5/29/89	7/15/89
Mark Caldwell	VDZ	TWR	FAI	6/20/89	7/24/89
Les Habig	VDZ	TWR	FAI	8/23/89	10/14/89

S. 150—AID TO EDUCATION

Mr. DANFORTH. Mr. President, I am proud to support S. 150, legislation to aid major colleges and universities and other charitable institutions in their efforts to expand and improve their facilities.

As part of the Tax Reform Act of 1986, Congress placed a cap on the amount of tax-exempt bonds that can be issued by organizations such as charitable groups and private colleges and universities. Because of this legislation, private colleges and universities and other philanthropic institutions may not have outstanding more than $150 million of tax-exempt obligations. But, the $150 million cap does not apply to bonds if the proceeds are used with respect to a hospital. This bill eliminates the $150 million cap for all qualified organizations. In other words, this bill will allow private colleges and universities and other qualified charitable institutions to issue tax-exempt bonds without limitation for the purpose of building, expanding, and improving their facilities and equipment. It should be noted that these tax-exempt bonds, will be treated in the same manner as governmental bonds, and that these private institutions will receive this tax-exempt status only with respect to their exempt activities.

Mr. President, every day we are bombarded by reports of our Nation's competitive deficiencies. Our trade deficit grows, jobs are exported while goods are imported, and new technology is increasingly being developed overseas. We are told that our declining position in the world economy is due to, among other factors, a decline in our country's educational system and our research facilities. Japan produces more engineers and scientists per capita than the United States. Both Japan and West Germany spend more of their gross national product on civilian research than the United States. It is said that in order for us to be able to compete effectively with economic leaders such as Japan and West Germany, our society must place more emphasis on educating our children, and must make a bigger commitment to research.

However, it is difficult to ask Americans to make such commitments when we on Capitol Hill have taken steps to devalue such important functions as education and research. Instead of encouraging more students to continue their education, we eliminated the deductibility of interest paid on student loans, and we tax some student scholarships and fellowships. Instead of working with higher education and industry to develop a joint Government-education-industry partnership to get America back on its feet, we raise business taxes, increase the cost of capital, limit incentives for private individuals to make gifts to colleges and univer-

sities, and increase the costs of research activities conducted on the campuses of our major private research colleges and universities.

The bill introduced today certainly doesn't address all of these pressing issues, but it would solve one problem. This bill says that private colleges and universities, as well as other charitable institutions, will be able to seek sorely needed financing.

In order for colleges and universities to continue to carry out their mission, they need to have access to resources sufficient to fulfill their needs. Tuition cannot be expected to pick up the slack, even though tuition almost doubled in the 1980's. Indeed, the magnitude of the problem is such that even if tuition doubled again, the unmet facilities' needs could not be funded. Instead, colleges and universities need to be able to turn to the bond market to fund their essential projects. Unfortunately, many premier research institutions are now or will soon be at the $150 million cap. Many millions are needed to fund these schools' pressing capital needs over the next 3 to 5 years. These needs include more research space, library expansion, and rehabilitation of existing structures. Without this bill, colleges and universities will make increased interest payments instead of improving facilities and holding the line on tuition. Let's help our colleges and universities educate our children, not discourage these institutions.

Listen to the words of D. Allan Bromley, Director of the Office of Science and Technology Policy, Executive Office of the President, testifying in front of the Senate Commerce Committee on July 21, 1989:

A healthy and productive national economy is fundamental to all else that we do. Increasingly it is our know-how that constitutes our edge in an increasingly competitive global market. But to respond successfully to growing pressure from international competitors, we must continue to innovate at a rapid rate. That in turn means both continued investment in research and development, by both the federal and private sectors, and the development of policies and mechanisms to insure the rapid application of research discoveries and the maintenance of a healthy science base. We are unique among the developed nations, for example, in the demands that our private sector make upon our colleges and universities both for new fundamental knowledge and for the young minds trained to use it creatively. But after more than a decade of belt tightening, when even more than ever before is being demanded of them, these institutions find themselves with decaying infrastructures, obsolete equipment and growing shortages of both faculty and students in many important areas. These are problems that we can only ignore at our peril.

In its most recent survey of science and energy research facilities at the Nation's colleges and universities, the National Science Foundation [NSF] reports some alarming developments. The deferral of needed construction of science and engineering facilities at colleges and universities continues to grow; the current $12 billion of deferred capital projects represents a 40-percent increase over the level found by the NSF in 1988. The NSF found that for every dollar that will be spent for new facilities construction in 1990–91, $3.11 of needed construction will be deferred. By the end of 1991, the amount of deferred repair and renovation of research facilities will have increased by $4 billion, resulting in the deferral of $4.25 for every dollar spent for these purposes.

It is not getting easier to make up these deferred costs. Federal, State, and local safety and regulatory requirements—such as animal care facilities, toxic and hazardous waste storage and disposal facilities—as well as the needs for more sophisticated and costly systems add, not reduce, the costs of these facilities. The NSF survey shows that the costs of research facilities has increased by more than one-third since limitations were placed on tax-exempt bond financings for colleges and universities, from $207 per square foot in 1986–87 to $311 per square foot in 1990–91.

There can be no doubt but that limiting tax-exempt debt for private institutions is affecting their capacity to conduct needed research for the Nation. Nearly two-thirds, 19, of the 30 independent institutions that are among the 100 largest research performers in the Nation have already reached the $150 million maximum borrowing limit. The NSF reports that another three expect to reach the cap in the next 2 years. In contrast to the privately funded and supported colleges and universities, their public counterparts received almost half of all funds spent on facilities from State or local governments. Private colleges and universities, undertaking the same activities, must rely on private gifts—which are also negatively affected by other changes made in the Tax Reform Act—or more expensive forms of borrowings.

In 1989, Coopers & Lybrand's report "The Decaying American Campus," confirmed the NSF findings. Of the estimated $60 billion needed to renew and replace aging facilities, more than $20 billion, $7.2 billion represent urgent needs of research universities. Thus, the longer we wait to help these vital institutions, the more troubling and enormous the problem will become. Already, one-third of higher education's physical plants are at least 30 years old. Let me emphasize again that this problem is not solely these institutions' problem; it is our Nation's problem.

Leaders of public colleges and universities, that would not directly benefit from this legislation, endorse the idea of extending this proposed benefit to their private counterparts. Robert L. Clodius, president of the National Association of State Universities and Land Grant Colleges, has said that "* * * the cap on private universities merely increases the cost of research at U.S. institutions and must be removed if the United States is to retain its world leadership role." Dr. Hans Mark, chancellor of the University of Texas System, testifying in front of the Subcommittee on Taxation and Debt Management of the Committee on Finance on April 3, 1987, stated that "* * * in recent years, the tax exempt securities market has become an important source of funds for building new laboratories." He went on to state that the $150 million tax cap "* * * will affect many of our Nation's foremost research universities, and for that reason we should all be concerned." Although Dr. Mark was testifying with respect to eliminating the cap for research facilities, his concern was based on the recognition that basic research undertaken by our colleges and universities, regardless of whether they are public or private institutions, is essential to maintaining our Nation's leadership position in a world of rapidly expanding technological capabilities. This bill would provide support for this critical activity by allowing private colleges and universities to further all of their educational objectives more easily.

Others share this view that increased support of higher education will help solve our competitiveness problem. In 1986, the White House Science Council Panel on the Health of U.S. Colleges and Universities submitted its report, "A Renewed Partnership," to the President of the United States. This report emphasizes that increased Federal support of research conducted by our Nation's universities is critical to the health of our economy. The report states:

We are certainly not alone in recognizing that science and technology are critical to our force. Nations everywhere are investing in these capabilities. We conclude that we must rethink and, in many ways, rebuild the critically important interaction between universities, government, and industry that has served this Nation so well in the past. The federal government-university relationship is too fundamental to the maintenance of our national science and technology base to be taken for granted, and the industry-university partnership is emerging as critical to exploiting that base in order to compete in the world marketplace.

One conclusion is clear: our universities today simply cannot respond to society's expectations for them or discharge their national responsibilities in research and education without substantially increased support.

The strength of the nation in trade, defense, and health has been directly related to past investments in science and technology. Our future position in global markets will similarly depend on our willingness to respond to opportunity and to mobilize our strengths today. To this end, we must promote a broad interdisciplinary approach to problem-solving by focusing on university-based centers that will improve cooperative

linkages between scientists, engineers, and industry.

This bill addresses only one of the issues that needs to be dealt with as we work to regain our competitive edge in the world, but I believe that it deals with an important issue in a positive, constructive manner.

Mr. President, I join with my distinguished colleague from New York in urging the Senate to act quickly to pass S. 150.

INCREASE PAYMENTS IN LIEU OF TAXES

Mr. BINGAMAN. Mr. President, I rise today in support of Senator WIRTH's legislation to increase the authorization for the Department of the Interior's Payments-in-Lieu-of-Taxes [PILT] Program and to index the PILT Program for inflation.

This bill amends the Payments-in-Lieu-of-Taxes Act of 1976. PILT was designed to compensate local governments for the presence of tax-exempt Federal lands within their boundaries.

More than 1,700 counties in 49 States benefit from this program. In my home State of New Mexico, 32 counties received in excess of $10 million in PILT payments for fiscal year 1989. These payments are extremely important for those communities whose tax base is limited because of Federal land ownership and rely on local taxation to fund essential governmental services like education, law enforcement, health care, and transportation.

These communities also assist in providing services to the users of our public lands: local law enforcement, hospital care, road maintenance, fire protection, and search and rescue. PILT helps to reimburse local governments for these services.

The problem is simple. PILT payments have remained constant for 14 years without taking into account inflation. This means that local governments are working with payments that in constant dollars are worth less than half of what they were when the program became law. This legislation would increase the authorization to restore the value of these payments in current dollar terms and would guard against the value of payments diminishing in the future.

An increase in the PILT Program is needed. Local governments deserve a fair tax return on those lands which are currently owned by the Federal Government. This bill would accomplish that end. I urge my colleagues to support this important legislation.

SHARING THE BURDEN

Mr. DOLE. Mr. President, I first wanted to have printed in the RECORD at this point a paper from the Department of Defense on sharing the responsibility for the coalition effort in the Persian Gulf. I think there are many of us who have been concerned about burden sharing and getting accurate figures. I believe these are accurate. I will put these figures in the RECORD so my colleagues will have an opportunity to check them and see if they agree or disagree.

I had heard a lot of debate, during the debate on the resolutions over the weekend, on how much we were paying and how little they were paying or vice versa, how much it was costing per day. I think all those are legitimate areas of debate if we have the facts and I doubted that many had the facts.

In any event, we are advised by Secretary of Defense that our incremental costs for Operation Desert Shield was roughly $10 billion in calendar year 1990. He indicates they have already received $6 billion in cash and in-kind support from our allies to defray these costs and they expect to receive another $2 billion for the 1990 costs, which would mean that about 80 percent of the incremental expenses have been picked up through December 31, 1990.

Now we are in a new year and we expect our allies—and I would say particularly Japan, to do more, Germany to do more—Saudi Arabia and the others to continue to give us their wholehearted support as they have in the past.

I ask unanimous consent this be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SHARING OF RESPONSIBILITY FOR THE COALITION EFFORT IN THE PERSIAN GULF

Many other countries are doing their part to support the coalition effort in the Persian Gulf. Looking only at what has been accomplished so far, in calendar year 1990, our partners in the coalition have contributed in three ways:

—*First*, 28 other countries have their own military forces in the Persian Gulf, in Saudi Arabia, and in the Gulf states. They have now committed more than 245,000 troops, 64 warships, over 650 combat aircraft, and more than 950 tanks to the multinational coalition facing Iraq. Turkey has also significantly enhanced its defense capabilities opposite Iraq.

—*Second*, they have given money and other assistance to us for our Operation Desert Shield expenses. Our incremental costs for the operation were roughly $10 billion in calendar year 1990. We have already received $6 billion in cash and in-kind support from our allies to defray these costs. We expect to soon receive an additional $2 billion more that has already been pledged to meet these 1990 costs. With these sums, and assuming Congress enacts the necessary appropriation, our coalition partners will have covered some 80% of our incremental expenses through December 31, 1990.

—*Third*, they have taken on the responsibility for assisting those nations which have suffered the most from the effects of the international economic sanctions against Iraq. The Gulf Crisis Financial Coordination Group established by President Bush has received pledges of $13.5 billion for exceptional economic assistance for these hard-hit states, of which nearly $6 billion has already been disbursed.

These are the figures for the last year. As costs for CY 1991 occur, we will look to our allies to shoulder their fair share of our military expenses and exceptional economic assistance efforts.

Other Countries' Military Forces in the Gulf. Twenty-nine countries, including the U.S., have joined forces in responding to the crisis in the Gulf. In general, given their limited capabilities to support large-scale force deployments, other states have contributed what they can and what we have asked.

—Saudi Arabia, Kuwait, and the other GCC states have deployed their armed forces.

—Egypt has sent an armored division, a mechanized division, and a Ranger regiment—hundreds of armored vehicles and more than 25,000 troops, with thousands more en route. Syria, Pakistan, Bangladesh, Morocco, and other Muslim states also have put tens of thousands of soldiers in the field.

Britain is deploying a heavy armored division and has sent more than 70 combat aircraft, a total of over 30,000 soldiers and airmen. Eight French regiments are in place too, along with over 130 combat aircraft.

Canada and Italy have sent combat aircraft to the Gulf; Czechoslovakia has deployed a chemical decontamination unit.

Turkey has substantially strengthened its defenses opposite Iraq and NATO approved the unprecedented dispatch of its rapid deployment units—German, Belgian, and Italian planes—to help this Alliance member.

Fourteen navies now have fighting vessels patrolling the waters of the Gulf. Our coalition partners have stopped and boarded hundreds of ships to enforce the UN's economic sanctions.

Help For Operation Desert Shield. Saudi Arabia, Kuwait, and the United Arab Emirates (UAE) are providing substantial cash and host nation support. Host nation support includes food, fuel, water, facilities, and local transport for U.S. forces. In addition, Saudi Arabia is committed to funding transportation for our forces in Europe and the U.S. to the Gulf from the start of the second deployment in October.

Japan has contributed substantial cash and in-kind support, including support for transport costs and purchases of U.S.-made computers, vehicles and construction equipment. The Japanese Diet recently appropriated the second $1 billion allotment of Japan's promised $2 billion contribution to the multinational defense effort. Germany has provided cash and in-kind support, including heavy equipment transporters and other valuable equipment from existing stocks, such as 60 modern chemical detection vehicles. Germany has also provided extensive support for the movement of U.S. forces from Europe to the Gulf. Korea has provided cash and lift support since the earliest days of the operation.

Exceptional Economic Assistance. With our own resources concentrated on the military effort against Iraq, we organized the international effort to provide financial assistance to those nations most hard-hit by the crisis and sanctions. Our partners in this effort have made commitments amounting to $13.5 billion for assistance to front-line states and other countries. Nearly six billion dollars of this total has already been disbursed. Our Arab partners, Germany, Japan, and the European Community have been leading contributors and we look to them and other countries to accelerate the disbursement of funds already committed and make additional commitments. Addition-

ally, in response to President Bush's proposals and with strong support from other creditor countries, the IMF and World Bank moved swiftly to adapt their lending procedures to enable them to alleviate more effectively the economic effects of the crisis on a wide range of countries.

The Facts on Windfall Profits. Reports of windfall profiteering made against our coalition partners from the Arab Gulf are misleading. For example, Saudi Arabia's increased revenue so far due to the increase in oil prices comes to about $13-15 billion. Saudi Arabia's Gulf crisis-related expenditures are estimated to be running ahead of their increased revenues. Saudi crisis-related expenditures include host nation support to coalition forces, aid to front line and other affected nations, increased Saudi military expenditures and arms purchases, and investment to expand oil production capacity.

More Needs to be Done. The contributions in 1990 were substantial and, in most cases, countries committed what we requested. We are working now to:

Ensure, in Desert Shield, prompt disbursement of remaining funds and secure new commitments to cover incremental costs in 1991; and

For the front line states, accelerate disbursements of previous commitments of economic assistance, particularly for Turkey, and obtain new commitments for the front line states and for Eastern Europe to help cover the emerging economic costs of the sanctions.

Annex: Countries Involved in Responsibility-Sharing.

PROVIDING MILITARY FORCES

Argentina (naval).
Australia (naval).
Bahrain (ground, air).
Bangladesh (ground).
Belgium (air—in Turkey, naval).
Canada (air, naval).
Czechoslovakia (ground).
Denmark (naval).
Egypt (ground).
France (gound, air, naval).
Germany (air—in Turkey, naval).
Greece (naval).
Italy (air, naval).
Kuwait (ground, air, naval).
Morocco (ground).
Netherlands (naval).
New Zealand (air).
Niger (ground).
Norway (naval).
Oman (ground, air).
Pakistan (ground, naval).
Qatar (ground, air).
Saudi Arabia (ground, air, naval).
Senegal (ground).
Spain (naval).
Syria (ground).
United Arab Emirates (ground, air).
United Kingdom (ground, air, naval).

ASSISTANCE TO OPERATION DESERT SHIELD

Germany.
Japan.
Republic of Korea.
Kuwait.
Saudi Arabia.
United Arab Emirates, (plus transit rights from numerous states and aid in moving forces from others, including Denmark, Greece, Italy, Norway, Portugal, Spain, United Kingdom, Poland, and Turkey).

EXCEPTIONAL ECONOMIC ASSISTANCE FOR FRONT-LINE STATES

Austria.
Belgium.
Canada.
Denmark.
European Commission (for the EC).
Finland.
France.
Germany.
Iceland.
Ireland.
Italy.
Japan.
Republic of Korea.
Kuwait.
Luxembourg.
Netherlands.
Norway.
Saudi Arabia.
Spain.
Sweden.
Switzerland.
United Arab Emirates.
United Kingdom.

IT IS NOT TOO LATE

Mr. DOLE. Mr. President, the only other thing I would note, it is now 10 of 6 in the United States. It is 8 hours later in Iraq. It is already the 16th in Iraq. It will be the 16th here in 6 hours and 7 or 8 minutes.

Some have said that Saddam Hussein would not take orders from anyone in the West or the United Nations. He would not leave on the 15th, nor would he give us any response on the 15th. Well, it is now the 16th in Iraq and he can state with clarity he has defied the United Nations, he did not get out on the 15th, and that he made no decision until the 16th, even though it is still the 15th in the United States.

So I hope if he is aware, in Baghdad or wherever he may be, he understands he still has this option and probably many others. I think many of my colleagues, and certainly I, have been puzzled and frustrated to some extent, trying to think of something that can be done at this last moment that would obviate the need for any armed conflict. But I would think that probably we are down to the point now where it is up to the man who started it. It is up to the person who started the aggression.

Someone suggested maybe President Bush ought to call him. Maybe he ought to call President Bush. I think they have a telephone in Iraq. He has access to it. I am certain he might be able to get in touch with the White House. In any event, that may or may not happen.

But I think it is fair to say that Saddam Hussein must now understand that, by a 76- to 22-percent poll result, the American people support what Congress did here on Saturday. For the most part, we are united. I think even those colleagues on both sides of the aisle who had different views have now rallied behind the Commander in Chief and our young men and women in the gulf. So the partisanship, if there was any, is over. And Saddam Hussein should know we speak with one voice, we have unity, that we do not want war, that we want peace and if he wants it, he can have it.

The January 15 deadline is a deadline for him. There is nothing in that U.N. resolution that says 1 minute after midnight we have to start a war of some kind. So there is still time. There is still time for him, not only to get the message but to relay a message or send some signal to anyone: the Saudis, the Egyptians, the British, the French, the Syrians, the United Nations, the United States—just send a strong, valid signal that he is prepared to withdraw from Kuwait and then negotiate some of the other problems.

The time is late but there is still time left and it is still my hope—and I am still optimistic enough to believe—that there can be a resolution without a shot being fired. I hope that is the case. I pray that is the case. I know I share and reflect the views of nearly every one of my colleagues.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. FORD (for himself, Mr. JOHNSTON, Mr. WALLOP, Mr. DOMENICI, and Mr. MCCONNELL):

S. 210. A bill to establish the United States Enrichment Corporation to operate the Federal uranium enrichment program on a profitable and efficient basis in order to maximize the long term economic value to the United States, to provide assistance to the domestic uranium industry and to provide a Federal contribution for the reclamation of mill tailings generated pursuant to Federal defense contracts at active uranium and thorium processing sites; to the Committee on Energy and Natural Resources.

By Mr. LIEBERMAN:

S. 211. A bill to protect the cable consumer; to the Committee on Commerce, Science, and Transportation.

By Mr. COATS (for himself and Mr. BIDEN):

S. 212. A bill to further assist States in their efforts to increase awareness about and prevent family violence and provide immediate shelter and related assistance to battered women and their children; to the Committee on the Judiciary.

By Mr. THURMOND:

S. 213. A bill to amend the Federal charter for the Boys' Clubs of America to reflect the change of the name of the organization to the Boys & Girls of America; to the Committee on the Judiciary.

By Mr. HATCH (for himself and Mr. THURMOND):

S. 214. A bill to provide procedures for calling Federal constitutional conventions under article V for the purpose of proposing amendments to the United States Constitution; to the Committee on the Judiciary.

By Mr. JOHNSTON (for himself, Mr. WALLOP, Mr. BINGAMAN, Mr. WIRTH, Mr. CONRAD, and Mr. DOMENICI):

S. 215. A bill to amend the Internal Revenue Code of 1986 to impose a fee on the importation of crude oil or refined petroleum products; to the Committee on Finance.

By Mr. WARNER:

S. 216. A bill to provide for the conveyance of certain land at Fort A.P. Hill Military Reservation, Virginia; to the Committee on Armed Services.

By Mr. HOLLINGS (for himself, Mr. DANFORTH, Mr. INOUYE, Mr. FORD, Mr. GORE, Mr. BREAUX, Mr. ROBB, Mr. GORTON, and Mr. WIRTH):

S. 217. A bill to clarify the Congressional intent concerning, and to codify, certain requirements of the Communications Act of 1934 that ensures that broadcasters afford reasonable opportunity for the discussion of conflicting views on issues of public importance; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUYE (for himself, Mr. HOLLINGS, Mr. GORE, and Mr. LAUTENBERG):

S. 218. A bill to require the Secretary of Commerce to make additional frequencies available for commercial assignment in order to promote the development and use of new telecommunications technologies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 219. A bill to allow the psychiatric or psychological examinations required under chapter 313 of title 18, United States Code, relating to offenders with mental disease or defect to be conducted by a psychiatric nurse practitioner or a clinical nurse specialist; to the Committee on the Judiciary.

By Mr. DOLE (for Mr. GARN (for himself and Mr. HELMS)):

S.J. Res. 37. A joint resolution proposing an amendment to the Constitution of the United States for the protection of unborn children and other persons; to the Committee on the Judiciary.

By Mr. THURMOND:

S.J. Res. 38. A joint resolution to recognize the "Bill of Responsibilities" of the Freedoms Foundation at Valley Forge; to the Committee on the Judiciary.

S.J. Res. 39. A joint resolution to designate the month of September 1991, as "National Awareness Month for Children with Cancer"; to the Committee on the Judiciary.

S.J. Res. 40. A joint resolution to designate the period commencing September 8, 1991, and ending on September 14, 1991, as "National Historically Black Colleges Week; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FORD (for himself, Mr. JOHNSTON, Mr. WALLOP, Mr. DOMENICI, and Mr. MCCONNELL);

S. 210. A bill to establish the U.S. Enrichment Corporation to operate the Federal Uranium Enrichment Program on a profitable and efficient basis in order to maximize the long-term economic value to the United States, to provide assistance to the domestic uranium industry and to provide a Federal contribution for the reclamation of mill tailings generated pursuant to Federal defense contracts at active uranium and thorium processing sites; to the Committee on Energy and Natural Resources.

COMPREHENSIVE URANIUM ACT

Mr. FORD. Mr. President, today I am introducing comprehensive legislation dealing with the Department of Energy's uranium enrichment enterprise. This legislation was passed twice previously by the Senate in the 101st Congress. Very similar legislation also passed twice in the 100th Congress. The Senate has consistently recognized the importance of this legislation. I am certain that the Senate will again pass this legislation early in the first session.

Unfortunately, throughout the period that the Senate has acted diligently on this issue the House has failed to act on any legislation to address uranium enrichment. I am personally very frustrated by our inability to get the attention of the House on this issue. We have continually made efforts to address issues raised by Members of the House throughout this process. Most recently, at the end of the 101st Congress, the House conferees on the energy portion of the budget reconciliation bill refused to consider our proposal, even though it would have saved taxpayers significant amounts of money.

I am introducing this bill today, however, to start the process anew. I am hopeful that this year we will be able to make progress. I believe there is reason to be optimistic. In the budget reconciliation conference of last fall, the House conferees agreed to give priority to uranium enrichment legislation in the first session. I am pleased by that commitment, and I expect it will be honored.

The legislation I am introducing today is essentially the same as the bill passed by the Senate in the 101st Congress. This comprehensive legislation has been developed over the past 4 years with the invaluable help of Senators JOHNSTON and DOMENICI with our former colleague Senator MCCLURE. This is a good bill, and it is a good place to start. The only difference in my bill today from what was passed by the Senate in the 101st Congress is the removal of licensing provisions that were enacted into law separately last year.

Last fall, the Senate's budget reconciliation proposal on uranium enrichment contained some additional provisions that would have saved taxpayers significant amounts of money in the context of the current budget process. Those provisions are not included in the bill I am introducing today. It may be appropriate, however, to add some of these provisions during the course of the legislative process.

Let me talk briefly about the issue at hand. It is quite simple to summarize, although the details can get pretty complex. The simple summary is that the Department of Energy's Uranium Enrichment Program is trying to operate under a statute that assumes DOE is a monopoly seller. This assumption is contrary to reality. The reality is that the uranium enrichment market is a highly competitive international market. Unless Congress changes the Federal law governing the Department of Energy Uranium Enrichment Program to reflect market realities, the laws of economics—which Congress cannot change—will force the collapse of DOE's program.

This collapse will be costly. The DOE's Uranium Enrichment Program today generates approximately $1.5 billion in revenue annually. In the early 1980's, the program generated over $2 billion annually. Today's uranium enrichment revenues include about $500 million in annual sales to foreign utilities. These sales represent an important contribution toward reducing our trade deficit.

In the coming decade, suppliers of uranium enrichment services worldwide will be competing for uncommitted sales to United States and foreign commercial customers worth tens of billions of dollars. A viable U.S. uranium enrichment enterprise could have a significant share of these sales. However, under today's statutory framework the DOE's program will simply be unable to compete.

In the past, revenues from commercial uranium enrichment customers have supported economies of scale that benefit our national defense. The defense of the United States depends critically on nuclear submarines. The fuel for these submarines comes from DOE's Uranium Enrichment Program. Without the revenue that is available to the DOE program from commercial customers, the taxpayer's bill for national defense would be $300 million dollars higher each year.

In the future, the revenue stream provided by DOE's commercial customers could help greatly to support the development of new enrichment technologies. A strong U.S. presence in world market for enrichment services could be a key factor in keeping the United States in the lead in enrichment technology. Being in the lead in enrichment technology is critical to national security and the achievement of our nonproliferation objectives. We have the lead in enrichment technology today, but it is a lead that could evaporate quickly. I submit that the continuing danger of the proliferation of nuclear weapons means that we as a nation cannot opt out of this kind of research and development. We must be involved, and we will be. The only

question is how much of this burden falls on taxpayers and how successful we are at it.

There is another important task for the revenues from the commercial customers of a strong U.S. Uranium Enrichment Program. Some day—not soon, but some day—we will begin the decontamination and decommissioning of the facilities we have used to enrich uranium. The cost of decontamination and decommissioning of these facilities is unknown now, because we do not know when or under what rules these actions will take place. We do know the costs will be very substantial—in the billions of dollars. If we let the DOE Uranium Enrichment Program collapse, as it surely will if we do not act to change the law governing the program, these costs will fall entirely on taxpayers. On the other hand, if we provide for a continuing, profitable uranium enrichment program, the resulting revenue stream can be used to ensure an equitable sharing of decontamination and decommissioning costs among the program's customers.

How foolish we will look, to have thrown away the revenue stream that a strong, commercially viable program might have generated. My legislation provides for the accumulation from commercial and defense revenues of a fund for eventual decontamination and decommissioning of DOE's uranium enrichment facilities. The provisions included in the Senate reconciliation bill would have been even more aggressive and explicit in its treatment of decontamination and decommissioning funding in an attempt to respond to the ostensible concerns of House Members on this matter.

Today, with the introduction of this legislation, we are renewing our efforts on uranium enrichment. There is a very little time left to prevent a complete loss of confidence in DOE's program. In 1995, the long-time contracts that have held DOE's current customers will begin to expire. We must begin the restructuring of the DOE program well before that time if any of the DOE customer base is to be retained. We simply must have enactment of restructuring legislation next year to have a chance to reach this goal. Without restructuring, there is no way that the United States can remain a vigorous participant in the world uranium enrichment market.

I would like to believe that Congress will act to prevent a multibillion dollar domestic enterprise from slipping away so that foreign competitors can take over. I would like to believe that we are capable of organizing ourselves to protect our own security and to prepare adequately for our environmental responsibilities. I would like to believe we can accomplish these things before it is too late.

Mr. President, I ask unanimous consent that the text of my legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 210

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be referred to as the "Comprehensive Uranium Act of 1991."

"TITLE I

SEC. 110. SHORT TITLE.—This title may be cited as the "Uranium Enrichment Act of 1991."

SEC. 111. DELETION OF SECTION 161v.—Subsection 161v. of the Atomic Energy Act of 1954, as amended, is deleted and the remaining subsections are relettered accordingly.

SEC. 112. REDIRECTION OF THE URANIUM ENRICHMENT ENTERPRISE OF THE UNITED STATES.—The Atomic Energy Act of 1954, as amended (42 U.S.C. 2011-2296) is further amended by—

a. inserting at the commencement thereof after the words "ATOMIC ENERGY ACT OF 1954":

"TITLE I—ATOMIC ENERGY"; and

b. adding at the end thereof the following:

"TITLE II—UNITED STATES ENRICHMENT CORPORATION

"CHAPTER 21. Findings

"SEC. 1101. FINDINGS.—The Congress of the United States finds that:

"a. The enrichment of uranium is essential to the national security and energy security of the United States.

"b. A competitive, well-managed and efficient enrichment enterprise provides important economic benefits to the United States and contributes to a highly favorable foreign trade balance.

"c. A strong United States enrichment enterprise promotes United States nonproliferation policies by requiring accountability for United States enriched uranium.

"d. The operation of uranium enrichment facilities must meet high standards for environmental health and safety.

"e. The operation and management of a uranium enrichment enterprise requires a commercial business orientation in order to engender customer support and confidence, and customers, rather than the taxpayers at large, should bear the costs of commercial uranium enrichment services.

"f. The optimal level of expenditures for the uranium enrichment enterprise fluctuates and cannot be accurately predicted or efficiently financed if subject to annual authorization and appropriation.

"g. Flexibility is essential to adapt business operations to a competitive marketplace.

"h. The events of the recent past, including the emergence of foreign competition, have brought new and unforeseen forces to bear upon the management and operation of the Government's uranium enrichment enterprise.

"i. The present operation of the uranium enrichment enterprise must be changed so as to further the national interest in the enterprise and respond to the competitive demand placed upon it by market forces, while continuing to meet the paramount objectives of ensuring the Nation's common defense and security.

"CHAPTER 22. DEFINITIONS, ESTABLISHMENT OF CORPORATION AND PURPOSES

"SEC. 1201. DEFINITIONS.—For the purpose of this title:

"a. The term 'Secretary' means the Secretary of Energy.

"b. The term 'Department' means the Department of Energy of the United States.

"c. The term 'Administrator' means the chief executive officer of the United States Enrichment Corporation.

"d. The term 'Corporation' means the United States Enrichment Corporation.

"e. The term 'Corporate Board' means the appointed members of the official advisory panel appointed by the President pursuant to section 1503 of this title.

"f. The term 'uranium enrichment' means the separation of uranium of a given isotopic content into two components, one having a higher percentage of a fissile isotope and one having a lower percentage.

"g. The term 'remedial action' has the same meaning as defined in section 120(24) of the Comprehensive Environmental Response, Compensation and Liability Act.

"h. The term "decontamination and decommissioning' means those activities undertaken to decontaminate and decommission inactive facilities that have residual radioactive or mixed radioactive and hazardous chemical contamination.

"SEC. 1202. ESTABLISHMENT OF THE CORPORATION.—

"a. There is hereby created a body corporate to be known as the 'United States Enrichment Corporation'.

"b. The Corporation shall—

"(1) be established as a wholly owned Government corporation subject to the Government Corporation Control Act, as amended (31 U.S.C. 9101-9109), except as otherwise provided herein; and

"(2) be an agency and instrumentality of the United States.

"SEC. 1203. PURPOSES.—The Corporation is created for the following purposes:

"(1) to acquire feed material for uranium enrichment, enriched uranium, the Department's uranium previously set aside for commercial purposes, and the Department's uranium enrichment and related facilities;

"(2) to operate, and as required by business conditions, to expand or construct facilities for uranium enrichment or both;

"(3) to market and sell enriched uranium and uranium enrichment and related services to—

"(A) the Department for governmental purposes; and

"(B) qualified domestic and foreign persons;

"(4) to conduct research and development as required to meet corporate objectives for the purpose of identifying, evaluating, improving and testing processes for uranium enrichment;

"(5) to operate, as a commercial enterprise, on a profitable and efficient basis; in order to maximize the long term economic value of the Corporation to the United States Government including the payment of dividends to the Treasury as a return on the United States Government investment;

"(6) to conduct the business as a self-financing corporation and eliminate the need for appropriations or other sources of Government financing after enactment of this title;

"(7) to maintain a reliable and economical domestic source of enrichment services;

"(8) to conduct its activities in a manner consistent with the health and safety of the public;

"(9) to continue to meet the paramount objectives of ensuring the Nation's common defense and security (including consideration of United States policies concerning nonproliferation of atomic weapons and other nonpeaceful uses of atomic energy); and

"(10) to take all other lawful action in furtherance of the foregoing purposes.

"CHAPTER 23. CORPORATE OFFICES

"SEC. 1301. CORPORATE OFFICES.—The Corporation shall maintain an office for the service of process and papers in the District of Columbia, and shall be deemed, for purposes of venue in civil actions, to be a resident thereof. The Corporation may establish offices in such other place or places as it may deem necessary or appropriate in the conduct of its business.

"CHAPTER 24. POWERS AND DUTIES OF THE CORPORATION

"SEC. 1401. SPECIFIC CORPORATE POWERS AND DUTIES.—The Corporation—

"a. shall perform uranium enrichment or provide for uranium to be enriched by others at facilities of the Corporation; contracts in existence as of the date of enactment of this title between the Department and persons under contract to perform uranium enrichment and related services at facilities of the Department shall continue in effect as if the Corporation, rather than the Department, had executed these contracts;

"b. shall conduct, or provide for the conduct of, research and development activities related to the isotopic separation of uranium as the Corporation deems necessary or advisable for purposes of maintaining the Corporation as a continuing, commercial enterprise operating on a profitable and efficient basis;

"c. may acquire or distribute enriched uranium, feed material for uranium enrichment or depleted uranium in transactions with—

"(1) persons licensed under sections 53, 63, 103, or 104 of title I in accordance with the licenses held by such persons;

"(2) persons in accordance with, and within the period of, an agreement for cooperation arranged pursuant to section 123 of title I; or

"(3) as otherwise authorized by law;

"d. may—

"(1) enter into contracts with persons licensed under section 53, 63, 103, or 104 of title I for such periods of time as the Corporation may deem necessary or desirable, to provide uranium enrichment and related services; and

"(2) enter into contracts to provide uranium or uranium enrichment and related services in accordance with, and within the period of, an agreement for cooperation arranged pursuant to section 123 of title I or as otherwise authorized by law;

"e. shall sell to the Department as provided in this title, and without regard to section 57e. of title I or the provisions of section 1535 of title 31, United States Code, such amounts of uranium or uranium enrichment and related services as the Department may determine from time to time are required: (1) for the Department to carry out Presidential direction and authorizations pursuant to section 91 of title I; and (2) for the conduct of other Department programs;

"f. may grant licenses, both exclusive and nonexclusive, for the use of patent and patent applications owned by the Corporation, and establish and collect charges, in the form of royalties or otherwise, for utilization of Corporation-owned facilities, equipment, patents, and technical information of a proprietary nature pertaining to the Corporation's activities.

"SEC. 1402. GENERAL POWERS OF THE CORPORATION.—In order to accomplish the purposes of this title, the Corporation—

"a. shall have perpetual succession unless dissolved by Act of Congress;

"b. may adopt, alter, and use a corporate seal, which shall be judicially noticed;

"c. may sue and be sued in its corporate name and be represented by its own attorneys in all judicial and administrative proceedings;

"d. may indemnify the Administrator, officers, attorneys, agents and employees of the Corporation for liabilities and expenses incurred in connection with their corporate activities;

"e. may adopt, amend, and repeal bylaws, rules and regulations governing the manner in which its business may be conducted and the power granted to it by law may be exercised and enjoyed;

"f. (1) may acquire, purchase, lease, and hold real and personal property including patents and proprietary data, as it deems necessary in the transaction of its business, and sell, lease, grant, and dispose of such real and personal property, as it deems necessary to effectuate the purposes of this title and without regard to the Federal Property and the Administrative Services Act of 1949, as amended;

"(2) Purchases, contracts for the construction, maintenance, or management and operation of facilities and contracts for supplies or services, except personal services, made by the Corporation shall be made after advertising, in such manner and at such times sufficiently in advance of opening bids, as the Corporation shall determine to be adequate to insure notice and an opportunity for competition; Provided, that the advertising shall not be required when the Corporation determines that the making of any such purchase or contract without advertising is necessary in the interest of furthering the purposes of this title, or that advertising is not reasonably practicable;

"g. with the consent of the agency or government concerned, may utilize or employ the services or personnel of any Federal Government agency, or any State or local government, or voluntary or uncompensated personnel to perform such functions on its behalf as may appear desirable;

"h. may enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of its business and on such terms as it may deem appropriate, with any agency or instrumentality of the United States, or with any State, territory or possession, or with any political subdivision thereof, or with any person, firm, association, or corporation;

"i. may determine the character of and the necessity for its obligations and expenditures and the manner in which they shall be incurred, allowed, and paid, subject to the provisions of this title and other provisions of law specifically applicable to wholly-owned Government corporations;

"j. notwithstanding any other provision of law, and without need for futher appropriation, may use monies, unexpended appropriations, revenues and receipts from operations, amounts received from obligations issued and other assets of the Corporation in accordance with section 1505, without fiscal year limitation, for the payment of expenses and other obligations incurred by the Corporation in carrying out its functions under, and within the requirements of, this title; and shall not be subject to apportionment under the provisions of subchapter II of chapter 15 of title 31, United States Code.

"k. may settle and adjust claims held by the Corporation against other persons or parties and claims by other persons or parties against the Corporation;

"l. may exercise, in the name of the United States, the power of eminent domain for the furtherance of the official purposes of the Corporation;

"m. shall have the priority of the United States with respect to the payment of debts out of bankrupt, insolvent, and decedents' estates;

"n. may define appropriate information as 'Government Commercial Information' and exempt such information from mandatory release pursuant to section 552(b)(3) of title 5, United States Code, when it is determined by the Administrator that such information if publicly released would harm the Corporation's legitimate commercial interests or those of a third party;

"o. may request, and the Administrator of General Services, when requested, shall furnish the Corporation such services as he is authorized to provide agencies of the United States;

"p. may accept gifts or donations of services, or of property, real, personal, mixed, tangible or intangible, in aid of any purposes herein authorized; and

"q. may execute, in accordance with its bylaws, rules and regulations, all instruments necessary and appropriate in the exercise of any of its powers.

"r. shall pay any settlement or judgment entered against it from the Corporation's own funds and not from the judgment fund (31 U.S.C. 1304). The provisions of the Federal Tort Claims Act (28 U.S.C. 1346(b) and 2671 et seq.) shall not apply to any claims arising from the activities of the Corporation after the effective date of this statute; *Provided*, That this subsection shall not apply to liability or claims arising from a nuclear incident, if such incident occurs prior to the licensing of the Corporation's existing Gaseous Diffusion Facilities under Section 1601 of this title.

"SEC. 1403. CONTINUATION OF CONTRACTS, ORDERS, PROCEEDINGS AND REGULATIONS.—

"a. Except as provided elsewhere in this title, all contracts, agreements, and leases with the Department, and licenses, and privileges that have been afforded to the Department prior to the date of the enactment of this title and that relate to uranium enrichment, including all enrichment services contracts, power purchase contracts and the December 18, 1987 Settlement Agreement with the Tennessee Valley Authority regarding payment of capacity charges under the Department's two power contracts with the Tennessee Valley Authority, shall continue in effect as if the Corporation had executed such contracts, agreements, or leases or had been afforded such licenses and privileges.

"b. As related to the functions vested in the Corporation by this title, all orders, determinations, rules, regulations and privileges of the Department shall continue in effect and remain applicable to the Corporation until modified, terminated, superseded, set aside or revoked by the Corporation, by any court of competent jurisdiction, or by operation of law unless otherwise specifically provided in this title.

"c. Except as provided elsewhere in this title, the transfer of functions related to and vested in the Corporation by this title shall not affect proceedings judicial or otherwise, relating to such functions which are pending at the time this title takes effect, and such proceedings shall be continued with the Corporation, as appropriate.

"SEC. 1404. LIABILITIES.—Except as provided elsewhere in this title, all liabilities attributable to operation of the uranium enrichment enterprise prior to the date of the enactment of this title shall remain direct liabilities of the Government of the United States; with regard to any claim seeking to impose such liability, section 1403 shall not be applicable and the United States shall be represented by the Department of Justice.

"CHAPTER 25. ORGANIZATION, FINANCE AND MANAGEMENT

"SEC. 1501. ADMINISTRATOR.—

"a. The management of the Corporation shall be vested in an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, without regard to political affiliation. The Administrator shall be a person who, by reason of professional background and experience is specially qualified to manage the Corporation; Provided, however, That upon enactment of this title, the President shall appoint an existing officer or employee of the United States to act as Administrator until the office is filled.

"b. The Administrator—

"(1) shall be the chief executive officer of the Corporation and shall be responsible for the management and direction of the Corporation. The Administrator shall establish the offices, appoint the officers and employees of the Corporation (including attorneys), and define their responsibilities and duties. The Administrator shall appoint other officers and employees as may be required to conduct the Corporation's business;

"(2) shall serve a term of six years but may be reappointed;

"(3) shall, before taking office, take an oath to faithfully discharge the duties thereof;

"(4) shall have compensation determined by the President based upon the recommendation of the Secretary and the Corporate Board as provided in section 1503(c), except that in the absence of such determination compensation shall be set at Executive Level I, as prescribed in section 5312 of title 5, U.S.C.;

"(5) shall be a citizen of the United States;

"(6) shall designate an officer of the Corporation who shall be vested with the authority to act in the capacity of the Administrator in the event of absence or incapacity; and

"(7) may be removed from office only by the President and only for neglect of duty or malfeasance in office. The President shall communicate the reasons for any such removal to both Houses of Congress at least 30 days prior to the effective date of such removal.

"c. (1) The Secretary shall exercise general supervision over the Administrator only with respect to the activities of the Corporation involving—

"(A) the Nation's common defense and security; and

"(B) health, safety and the environment.

"(2) The Administrator shall be solely responsible for the exercise of all powers and responsibilities that are committed to the Administrator under this title and that are not reserved to the Secretary under paragraph (1), and, notwithstanding the provisions of section 9104(a)(4) of title 31, U.S.C., including the setting of the appropriate amount of, and paying, any dividend under section 1506(c) and all other fiscal matters.

"SEC. 1502. DELEGATION.—The Administrator may delegate to other officers or employees powers and duties assigned to the Corporation in order to achieve the purposes of this title.

"SEC. 1503. CORPORATE BOARD.—There is hereby established a Corporate Board appointed by the President which shall consist of five members, one of whom shall be designated as chairman. Members of the Corporate Board shall be individuals possessing high integrity, demonstrated accomplishment and broad experience in management and shall have strong backgrounds in science, engineering, business or finance. At least one member of the Corporate Board shall be, or previously have been, employed on a full-time basis in managing an electric utility:

"a. (1) The specific responsibilities of the Corporate Board shall be to:

"(A) review the Corporation's policies and performance and advise the Administrator and the Secretary on these matters; and

"(B) advise the Administrator and the Secretary on any other such matters concerning the Corporation as may be referred to the Corporate Board.

"(2) The Board shall have the right to recommend removal of the Administrator. In the event such recommendation is made, it shall be transmitted to the President by the Secretary, together with the Secretary's own recommendation on removal of the Administrator.

"b. Members of the Board shall be provided access to all significant reports, memoranda, or other written communications generated or received by the Corporation, All the request of the Board, the Corporation shall make available to the Board all financial records, reports, files, papers and memoranda of, or in use by, the Corporation.

"c. When appropriate, the Corporate Board may make recommendations to the Secretary concerning the compensation to be received by the Administrator and the ten officers of the Corporation who may receive compensation in excess of Executive Level II as provided in section 1504(a). The Secretary shall transmit such recommendations to the President together with the Secretary's own recommendations concerning compensation. In the event that less than three members of the Corporate Board are in office, recommendations concerning compensation may be made by the Secretary alone. The President shall have the power to enter into binding agreements concerning compensation to be received by the Administrator during his term of office and by the ten officers described in section 1504(a) during their term of employment, regardless of any recommendation received or not received under this title.

"d. Except for initial appointments, members of the Corporate Board shall serve five-year terms. Each member of the Corporate Board shall be a citizen of the United States. No more than three members of the Board shall be members of any one political party. Of those first appointed, the chairman shall serve for the full five-year term; one member shall serve for a term of four years; one shall serve for a term of three years; one shall serve for a term of two years; and one shall serve for a term of one year.

"e. Upon expiration of the initial term, each Corporate Board member appointed thereafter shall serve a term of five years. Upon the occurrence of a vacancy on the Board, the President shall appoint an individual to fill such vacancy for the remainder of the applicable term. Upon expiration of a term, a Board member may continue to serve up to a maximum of one year or until a successor shall have been appointed and assumed office, whichever occurs first.

"f. The members of the Corporate Board in executing their duties shall be governed by the laws and regulations regarding conflicts of interest, but exempted from other provisions and authority prescribed by the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2).

"g. The Corporate Board shall meet at any time pursuant to the call of the Chairman and as provided by the bylaws of the Corporation, but not less than quarterly. The Administrator or his representative shall attend all meetings of the Corporate Board.

"h. The Corporation shall compensate members of the Corporate Board at a per diem rate equivalent to Executive Level III, as defined in 5 U.S.C. 5314, in addition to reimbursement of reasonable expenses incurred when engaged in the performance of duties vested in the Corporate Board. Any Corporate Board member who is otherwise a Federal employee shall not be eligible for compensation above reimbursement for reasonable expenses incurred while attending official meetings of the Corporation.

"i. (1) The Corporate Board shall report at least annually to the Administrator on the performance of the Corporation and the issues that, in the opinion of the Board, require the attention of the Administrator. Any such report shall include such recommendations as the Board finds appropriate. A copy of any report under this subsection shall be transmitted promptly to the President, the Secretary, the Committee on Energy and Natural Resources of the Senate and to the Speaker of the House of Representatives.

"(2) Within ninety days after the receipt of any report under this subsection the Administrator shall respond in writing to such report and provide an analysis of such recommendations of the Board contained in the report. Such response shall include plans for implementation of each recommendation or a justification for not implementing such recommendation. A copy of any response under this subsection shall be transmitted promptly to the President, the Secretary, the Committee on Energy and Natural Resources and to the Speaker of the House of Representatives.

"SEC. 1504. EMPLOYEES OF THE CORPORATION—Officers and employees of the Corporation shall be officers and employees of the United States:

"a. The Administrator shall appoint all officers, employees and agents of the Corporation as are deemed necessary to effect the provisions of this title without regard to any administratively imposed limits on personnel, and any such officer, employee or agent shall only be subject to the supervision of the Administrator. The Administrator shall fix all compensation in accordance with the comparable pay provisions of section 5301 of title 5, United States Code, with compensation levels not to exceed Executive Level II, as defined in section 5313 of title 5, United States Code; Provided, that the Administrator may, upon recommendation by the Secretary and the Corporate Board as provided in section 1503(c) and approval by the President, appoint up to ten officers whose compensation shall not exceed an amount which is 20 per centum less than the compensation received by the Administrator, but not less than Executive Level II. The Administrator shall define the duties of all officers and employees and provide a system of organization inclusive of a personnel management system to fix responsibilities and promote efficiency. The Corporation shall assure that the personnel function and organi-

zation is consistent with the principles of section 2301(b) of title 5, United States Code, relating to merit system principles. Officers and employees of the Corporation shall be appointed, promoted and assigned on the basis of merit and fitness, and other personnel actions shall be consistent with the principles of fairness and due process but without regard to those provisions of title 5 of the United States Code governing appointments and other personnel actions in the competitive service.

"b. Any Federal employee hired before January 1, 1984, who transfers to the Corporation and who on the day before the date of transfer is subject to the Federal Civil Service Retirement System (subchapter III of chapter 83 of title 5, United States Code) shall remain within the coverage of such system unless he or she elects to be subject to the Federal Employees' Retirement System. For those employees remaining in the Federal Civil Service Retirement System, the Corporation shall withhold pay and shall pay into the Civil Service Retirement and Disability Fund the amounts specified in chapter 83 of title 5, United States Code. Employment by the Corporation without a break in continuity of service shall be considered to be employment by the United States Government for purposes of subchapter III of chapter 83 of title 5, United States Code. Any employee of the Corporation who is not within the coverage of the Federal Civil Service Retirement System shall be subject to the Federal Employees' Retirement System (chapter 84 of title 5, United States Code). The Corporation shall withhold pay and make such payments as are required under that retirement system. Further:

"(1) Any employee who transfers to the Corporation under this section shall not be entitled to lump sum payments for unused annual leave under section 5551 of title 5, United States Code, but shall be credited by the Corporation with the unused annual leave at the time of transfer.

"(2) an employee who does not transfer to the Corporation and who does not otherwise remain a Federal employee shall be entitled to all the rights and benefits available under Federal law for separated employees, except that severance pay shall not be payable to an employee who does not accept an offer of employment from the Corporation of work substantially similar to that performed by the employee for the Department.

"c. This section does not affect a right or remedy of an officer, employee, or applicant for employment under a law prohibiting discrimination in employment in the Government on the basis of race, color, religion, age, sex, national origin, political affiliation, marital status, or handicap conditions.

"d. Officers and employees of the Corporation shall be covered by chapter 73 of title 5, United States Code, relating to suitability, security and conduct.

"e. Compensation, benefits, and other terms and conditions of employment in effect immediately prior to the effective date of this section, whether provided by statute or by rules and regulations of the Department or the executive branch of the Government of the United States shall continue to apply to officers and employees who transfer to the Corporation from other Federal employment until changed by the Corporation in accordance with the provisions of this title.

"f. The provisions of sections 3323(a) and 8344 of title 5, United States Code, or any other law prohibiting or limiting the reemployment of retired officers or employees or the simultaneous receipt of compensation and retired pay or annuities, shall not apply to officers and employees of the Corporation who have retired from or ceased previous government service prior to April 28, 1987.

"SEC. 1505. TRANSFER OF PROPERTY TO THE CORPORATION.—In order to enable the Corporation to exercise the powers and duties vested in it by this title:

"a. The Secretary, as requested by the Administrator, is authorized and directed to transfer without charge to the Corporation all of the Department's right, title, or interest in and to, real or personal properties owned by the Department, or by the United States but under control or custody of the Department, which are related to and materially useful in the performance of the functions transferred by this title, including but not limited to the following—

"(1) production facilities for uranium enrichment inclusive of real estate, buildings and other improvements at production sites and their related and supporting equipment: *Provided*, That facilities, real estate, improvements and equipment related to the Oak Ridge Gaseous Diffusion plant in Oak Ridge, Tennessee, and to the gas centrifuge enrichment program shall not transfer under this paragraph except for diffusion cascades and related equipment needed by the Corporation for replacement parts: *Provided further*, That any enrichment facilities retained by the Department shall not be used to enrich uranium in competition with the Corporation. This paragraph shall not prejudice consideration of any site as a candidate site for future expansion or replacement of uranium enrichment capacity;

"(2) at such time subsequent to the year 2000 as the Secretary determines that the Oak Ridge Gaseous Diffusion Plant should be decommissioned or decontaminated, or both, the Secretary shall convey without charge equipment and facilities relating to the Oak Ridge Gaseous Diffusion Plant not transferred in paragraph (1) to the Corporation;

"(3) facilities, equipment, and materials for research and development activities related to the isotopic separation of uranium by the gaseous diffusion technology;

"(4) The Department's stocks of preproduced enriched uranium; but excluding stocks of highly enriched uranium: *Provided*, That approximately two metric tons of the Department's highly enriched uranium shall be loaned to the Corporation as required for working inventory;

"(5) the Department's stock of feed materials for uranium enrichment except for the quantities allocated to the national defense activities of the Department as of the date of enactment;

"(A) the Department's stockpile of enrichment tails existing as of the date of enactment, shall remain with the Department; and

"(B) stocks of feed materials which remain the property of the Department under paragraph (5) shall remain in place at the enrichment plant sites. The Corporation shall have access to and use of these feed materials provided such quantities as are used are replaced, or credit given, if use by the Department is subsequently needed.

"(6) all other facilities, equipment, materials, processes, patents, technical information of any kind, contracts, agreements, and leases to the extent these items concern the Corporation's functions and activities, except those items required for programs and activities of the Department and those items specifically excluded by this subsection.

The transfer authorized by this section is not subject to the requirements of section 120(h) of the Comprehensive Environmental Response, Compensation and Liability Act.

"b. The Secretary is authorized and directed to grant to the Corporation without charge the Department's rights and access to the Atomic Vapor Laser Isotope Separation, hereinafter referred to as "AVLIS", technology and to provide on a reimbursable basis and at the request of the Corporation, the necessary cooperation and support of the Department to assure the commercial development and deployment of AVLIS or other technologies in a manner consistent with the intent of this title.

"c. The Secretary is authorized and directed to grant the Corporation without charge, to the extent necessary or appropriate for the conduct of the Corporation's activities, licenses to practice or have practiced any inventions or discoveries (whether patented or unpatented) together with the right to use or have used any processes and technical information owned or controlled by the Department.

"d. The Secretary is directed, without need of further appropriation, to transfer to the Corporation the unexpended balance of appropriations and other monies available to the Department (inclusive of funds set aside for accounts payable), and accounts receivable which are related to functions and activities acquired by the Corporation from the Department pursuant to this title, including all advance payments.

"e. The President is authorized to provide for the transfer to the Corporation of the use, possession, and control of such other real and personal property of the United States which is reasonably related to the functions performed by the Corporation. Such transfers may be made by the President without charge as he may from time to time deem necessary and proper for achieving the purposes of this title.

"f. Title to depleted uranium resulting from the enrichment services provided to the Department by the Corporation shall remain with the Department.

"SEC. 1506. CAPITAL STRUCTURE OF THE CORPORATION:

"a. Upon commencement of operations of the Corporation, all liabilities then chargeable to unexpended balances of appropriations transferred under section 1505 shall become liabilities of the Corporation.

"b. (1) The Corporation shall issue capital stock representing an equity investment equal to the book value of assets transferred to the Corporation, as reported in the Uranium Enrichment Annual Report for fiscal year 1987, modified to reflect continued depreciation and other usual changes that occur up to the date of transfer. The Secretary of the Treasury shall hold such stock for the United States: Provided, That all rights and duties pertaining to management of the Corporation shall remain vested in the Administrator as specified in section 1501.

"(2) The capital stock of the Corporation shall not be sold, transferred, or conveyed by the United States unless such disposition is specifically authorized by Federal law enacted after enactment of this title.

"c. The Corporation shall pay into miscellaneous receipts of the Treasury of the United States or such other fund as provided by law, dividends on the capital stock, out of earnings of the Corporation, as a return on the investment represented by such stock. The Corporation shall pay such dividends out of earnings, unless there is an overriding need to retain these funds in furtherance of

other corporate functions including but not limited to research and development, capital investments and establishment of cash reserves.

"d. The Corporation shall repay within a twenty-year period the amount of $364,000,000 into miscellaneous receipts of the Treasury of the United States, or such other fund as provided by law with interest on the unpaid balance from the date of enactment of this title at a rate equal to the average yield on twenty-year Government obligations as determined by the Secretary of the Treasury on the date of enactment of this title. The money required to be repaid under this subsection is hereinafter referred to as the 'Initial Debt'.

e. Receipt by the United States of the stock issued by the Corporation (including all rights appurtenant thereto) together with repayment of the Initial Debt shall constitute the sole recovery by the United States of previously unrecovered costs that have been incurred by the United States for uranium enrichment activities prior to enactment of this title.

"SEC. 1507. BORROWING:

"a. (1) The Corporation is authorized to issue and sell bonds, notes, and other evidences of indebtedness (hereinafter collectively referred to as "bonds") in an amount not exceeding $2,500,000,000 outstanding at any one time to assist in financing its activities and to refund such bonds. The principal of and interest on said bonds shall be payable from revenues of the Corporation.

"(2) Notwithstanding any other provision of law, the Corporation may pledge and use its revenues for payment of the principal of and interest on said bonds, for purchase or redemption thereof, and for other purposes incidental thereto, including creation of reserve funds and other funds which may be similarly pledged and used, to such extent and in such manner as it may deem necessary or desirable.

"(3) Notwithstanding any other provision of law, the Corporation is authorized to enter into binding covenants with the holders of said bonds—and with the trustee, if any—under any indenture, resolution, or other agreement entered into in connection with the issuance thereof with respect to the establishment of reserve funds and other funds, stipulations concerning the subsequent issuance of bonds, and such other matters, not inconsistent with this title, as the Corporation may deem necessary or desirable to enhance the marketability of said bonds.

"(4) Bonds issued by the Corporation hereunder shall not be obligations of, nor shall payments of the principal thereof or interest thereon be guaranteed by, the United States.

"b. Bonds issued by the Corporation under this section shall be negotiable instruments unless otherwise specified therein, shall be in such forms and denominations, shall be sold at such times and in such amounts, shall mature at such time or times not more than thirty years from their respective dates, shall be sold at such prices, shall bear such rates of interest, may be redeemable before maturity at the option of the Corporation in such manner and at such times and redemption premiums, may be entitled to such priorities of claim on the Corporation's revenues with respect to principal and interest payments, and shall be subject to such other terms and conditions, as the Corporation may determine: Provided, That at least fifteen days before selling each issue of bonds hereunder (exclusive of any commitment shorter than one year) the Corporation shall advise the Secretary of the Treasury as to the amount, proposed date of sale, maturities, terms and conditions and expected rates of interest of the proposed issue in the fullest detail possible. The Corporation shall not be subject to the provisions of section 9108 of title 31, United States Code. The Corporation shall be deemed part of an executive department or an independent establishment of the United States for purposes of the provisions of section 78c(c) of title 15, United States Code.

"c. Bonds issued by the Corporation hereunder shall be lawful investments and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority or control of any officer or agency of the United States. The Secretary of the Treasury or any other officer or agency having authority over or control of any such fiduciary, trust, or public funds, may at any time sell any of the bonds of the Corporation acquired by them under this section: Provided, That the Corporation shall not issue or sell any bonds to the Federal Financing Bank.

"SEC. 1508. PRICING:

"a. For purposes of maximizing the long-term economic value of the Corporation to the United States Government, the Corporation shall establish prices for its products, materials and services provided to customers other than the Department on a basis that will, over the long term, allow it to recover its costs for providing the products, materials and services; repay the Initial Debt; recover costs of decontamination, decommissioning and remedial action; and attain the normal business objectives of a profitmaking Corporation.

"b. The Corporation shall establish prices for low assay enrichment services and other products, materials, and services provided the Department on a basis that will allow it to recover its costs on a yearly basis for providing such low assay enrichment services, products, materials and services, including depreciation and the cost of decontamination, decommissioning and remedial action, but excluding repayment of the Initial Debt and profit. In establishing such prices, the base charge paid by the Department in any given year shall not exceed the average base charge paid by customers other than the Department: Provided, however, That if the imposition of such average base charges as a limitation on the base charge paid by the Department in a given year does not permit the Corporation to fully recover its costs for providing such products, materials and services to the Department then, in subsequent years, the Corporation shall include such unrecovered costs in its prices charged the Department. Base charge shall mean the amount paid by a customer per separative work unit for low assay enrichment services during a given year (exclusive of any credits received under a voluntary overfeeding program), less the portion of such amount which represents the cost of decontamination and decommissioning and remedial action. The average base charge paid by customers other than the Department shall be determined by dividing the estimated total dollar amount of low assay enrichment services sales to customers other than the Department during a given year by the estimated amount of separative work units sold to customers other than the Department during that year. Adjustments between estimated and actual amounts shall be made upon receipt of actual sales data.

"c. The Corporation shall establish prices to the Department for high assay enrichment services on a basis that will allow it to recover its costs, on a yearly basis, for providing the products, materials or services, including depreciation and the costs of decontamination, decommissioning, and remedial action concerning enrichment property, but excluding repayment of the Initial Debt and profit. If the Department does not request any enrichment services in a given year, the Department shall reimburse the Corporation for costs required to maintain the minimum level of operation of the high assay production facility.

"d. (1) In accordance with the cost responsibilities defined in paragraphs (3) and (4), the Corporation shall recover from its customers in the prices and charges established in accordance with subsection (a), amounts that will be sufficient to pay for the costs of decommissioning, decontamination and remedial action for the various property of the Corporation, including property transferred under section 1505(a) at any time. Such costs shall be based on the point in time that such decommissioning, decontamination and remedial action are to be undertaken and accomplished: Provided, That by the year 2000 the Corporation shall have recovered and deposited in the Uranium Enrichment Decontamination and Decommissioning Fund 50 per centum of the estimated total costs of decontamination and decommissioning of all property transferred or to be transferred to the Corporation under section 1505, including the Oak Ridge Gaseous Diffusion Plant.

"(2) In order to meet the objective defined in paragraph (1), the Corporation shall periodically estimate the anticipated or actual costs of decommissioning and decontamination. Such estimates shall reflect any changes in assumptions or expectations relevant to meeting such objective, including, but not limited to, any changes in applicable environmental requirements. Such estimates shall be reviewed at least every two years.

"(3) For purposes of enabling the Corporation to meet the objective defined in paragraph (1) with respect to the Oak Ridge Gaseous Diffusion Plant, the Secretary shall periodically estimate the anticipated costs of decontamination and decommissioning and the time at which such decontamination and decommissioning is to be accomplished. Such estimates shall reflect any changes in assumptions or expectations relevant to meeting such objective, including but not limited to, any changes in applicable environmental requirements. The Secretary shall review such estimates every two years and convey this information to the Corporation.

"(4) With respect to property that has been used in the production of low-assay separative work,

"(A) The costs of decommissioning, decontamination and remedial action that shall be recoverable from customers other than the Department in prices and charges shall be in the same ratio to the total costs of decommissioning, decontamination and remedial action for the property in question as the production of separative work over the life of such property for commercial customers bears to the total production of separative work over the life of such property.

"(B) All other costs of decommissioning, decontamination and remedial action for such property shall be recovered in prices and charges to the Department.

"(5) With respect to property that has been used solely in the production of high-assay separative work, all costs of decommissioning, decontamination and remedial action shall be recovered in prices and charges to the Department.

"SEC. 1509. AUDITS—In fiscal years during which an audit is not performed by the Comptroller General in accordance with the provisions of section 9105 of title 31, United States Code, the financial transactions of the Corporation shall be audited by an independent firm or firms of nationally recognized certified public accountants who shall prepare such audits using standards appropriate for commercial corporate transactions. The fiscal year of the Corporation shall conform to the fiscal year of the United States. The General Accounting Office shall review such audits annually, and to the extent necessary, cause there to be a further examination of the Corporation using standards for commercial corporate transactions. Such audits shall be conducted at the place or places where the accounts of the Corporation are established and maintained. All books, financial records, reports, files papers, memoranda, and other property of, or in use by, the Corporation shall be made available to the person or persons authorized to conduct audits in accordance with the provisions of this section.

"SEC. 1510. REPORTS

"a. The Corporation shall prepare an annual report of its activities. This report shall contain—

"(1) a general description of the Corporation's operations;

"(2) a summary of the Corporation's operating and financial performance, including an explanation of the decision to pay or not pay dividends; and

"(3) copies of audit reports prepared in conformance with section 1509 of this title and the provisions of the Government Corporation Control Act, as amended.

"b. A copy of the annual report shall be provided to the President, the Secretary, the Committee on Energy and Natural Resources of the Senate, and the appropriate committees of the House of Representatives. Such reports shall be completed not later than 90 days following the close of each fiscal year and shall accurately reflect the financial position of the Corporation at fiscal year end, inclusive of any impairment of capital or ability of the Corporation to comply with the provisions of this title.

"SEC 1511. CONTROL OF INFORMATION

"a. The term 'Commission' shall be deemed to include the Corporation wherever such terms appears in section 141 and subsections a. and b. of section 142 of title I.

"b. No contracts or arrangements shall be made, nor any contract continued in effect, under section 1401, 1402, 1403, or 1404, unless the person with whom such contract or arrangement is made, or the contractor or prospective contractor, agrees in writing not to permit any individual to have access to Restricted Data, as defined in section 11 y. of title I, until the Office of Personnel Management shall have made an investigation and report to the Corporation on the character, associations, and loyalty of such individual, and the Corporation shall have determined that permitting such person to have access to restricted data will not endanger the common defense and security.

"c. The restrictions detailed in subsections b., c., d., e., f., g., and h., of section 145 of title I shall be deemed to apply to the Corporation where they refer to the Commission or a majority of the members of the Commission, and to the Administrator where they refer to the General Manager.

"d. The Administrator shall keep the appropriate congressional committees fully and currently informed with respect to all of the Corporation's activities. To the extent consistent with the other provisions of this section, the Corporation shall make available to any of such committees all books, financial records, reports, files, papers, memoranda, or other information possessed by the Corporation upon receiving a request for such information from the chairman of such committee.

"e. Whenever the Corporation submits to the President, or the Office of Management and Budget, any budget, legislative recommendation, testimony, or comments on legislation, prepared for submission to the Congress, the Corporation shall concurrently transmit a copy thereof to the appropriate committees of Congress.

"f. The Corporation shall have no power to control or restrict the dissemination of information other than as granted by this or any other law.

"SEC. 1512. PATENTS AND INVENTIONS:

"a. The term 'Commission' shall be deemed to include the Corporation wherever such term appears in section 152, 153 b. (1), and 158 of title I. The Corporation shall pay such royalty fees for patents licensed to it under section 153 b. (1) of title I as are paid by the Department under that provision. Nothing in title I or this title shall affect the right of the Corporation to require that patents granted on inventions, that have been conceived or first reduced to practice during the course of research or operations of, or financed by the Corporation, be assigned to the Corporation.

"b. The Department shall notify the Corporation of all reports heretofore or hereafter filed with it under subsection 151 c. of title I and all applications for patents heretofore or hereafter filed with the Commissioner of Patents of which the Department has notice under subsection 151 d. of title I or otherwise, whenever such reports or applications involve matters pertaining to the functions or responsibilities of the Corporation in accordance with this title. The Department shall make all such reports available to the Corporation, and the Commissioner of Patents shall provide the Corporation access to all such applications. All reports and applications to which access is so provided shall be kept in confidence by the Corporation, and no information concerning the same given without authority of the inventory or owner unless necessary to carry out the provisions of any Act of Congress.

"c. The Corporation, without regard for any of the conditions specified in paragraph 153 c. (1), (2), (3), or (4) of title I, may at any time make application to the Department for a patent license for the use of an invention or discovery useful in the production or utilization of special nuclear material or atomic energy covered by a patent when such patent has not been declared to be affected with the public interest under subsection 153 b. (1) of title I and when use of such patent is within the Corporation's authority. Any such application shall constitute an application under subsection 153 c. of title I subject, except as specified above, to all the provisions of subsections 153 c., d., e., f., g., and h., of title I.

"d. With respect to the Corporation's functions under this title, section 158 of title I shall be deemed to include the Corporation within the phrase, 'any other licensee' in the first sentence thereof and within the phrase 'such licensee' in the second sentence thereof.

"e. The Corporation shall not be liable directly or indirectly for any damages or financial responsibility with respect to secrecy orders imposed under section 181 of title 35, United States Code, through 187.

"f. The Corporation shall not be liable or responsible for any payments made or awards under subsection 157 b.(3) of title I, or any settlements or judgments involving claims for alleged patent infringement except to the extent that any such awards, settlements or judgments are attributable to activities of the Corporation after the effective date of this title.

"g. The Corporation shall keep currently informed as to matters affecting its rights and responsibilities under chapter 13 of title I as modified by this section and shall take all appropriate action to avail itself of such rights and satisfy such responsibilities. The Department in discharging its responsibilities under chapter 13 of title I shall exercise diligence in informing the Corporation of matters affecting the responsibilities and jurisdiction of the Corporation and seeking and following as appropriate the advice and recommendation of the Corporation in such matters.

"CHAPTER 26. LICENSING, TAXATION, AND MISCELLANEOUS PROVISIONS

"SEC. 1601. LICENSING

"a. Notwithstanding any other provision of law, with respect solely to facilities, equipment and materials and activities related to the isotopic separation of uranium by the gaseous diffusion technology at facilities in existence as of the date of enactment of this title, the Corporation and its contractors are hereby exempted from the licensing requirements and prohibitions of sections 57, 62, 81 and other provisions of title I, to the same extent as the Department and its contractors are exempt in regard to the Department's own functions and activities. Such exemption shall remain in effect unless and until the Corporation and its contractors receive all necessary licenses for such facilities, equipment and materials as are required under title I.

"b. Within two years of the enactment of this title, the Commission shall promulgate regulations or issue other regulatory guidance under title I for the licensing of facilities described in subsection (a) that employ the gaseous diffusion technology.

"c. Within one year after the promulgation of regulations or the issuance of other regulatory guidance under subsection (b), the Corporation and its contractors shall make necessary applications for and otherwise seek to obtain such licenses as will remove the exemption provided under subsection (a). As part of its application, the Corporation shall submit an Environmental Impact Statement in accordance with the requirements of the National Environmental Policy Act. The Commission shall adopt this statement to the extent practicable under the National Environmental Policy Act. In preparing such statement, the Corporation, and in making any licensing decision, the Commission, shall not consider the need for such facilities, alternatives to such facilities, or the costs compared to the benefits of such facilities. The Commission shall act on licensing requests by the Corporation in a timely manner.

"d. The Corporation shall not transfer or deliver any source, special nuclear or byproduct materials or production or utilization facilities, as defined in title I, to any person who is not properly qualified or licensed under the provisions of title I.

"e. The Corporation shall be subject to the regulatory jurisdiction of the Commission and the Department of Transportation with respect to the packaging and transportation

of source, special nuclear and byproduct materials.

"SEC. 1602. EXEMPTION FROM TAXATION AND PAYMENTS IN LIEU OF TAXES

"a. In order to render financial assistance to those states and localities in which the facilities of the Corporation are located, the Corporation is authorized and directed to make payments to state and local governments as provided in this section. Such payments shall be in lieu of any and all state and local taxes on the real and personal property, activities and income of the Corporation. All property of the Corporation its activities, and income are expressly exempted from taxation in any manner or form by any state, county, or other local government entity. The activities of the Corporation for this purpose shall include the activities of organizations pursuant to cost-type contracts with the Corporation to manage, operate and maintain its facilities. The income of the Corporation shall include income received by such organizations for the account of the Corporation. The income of the Corporation shall not include income received by such organizations for their own accounts, and such income shall not be exempt from taxation.

"b. The Corporation shall make annual payments, in amounts determined by the Corporation to be fair and reasonable, to the state and local governmental agencies having tax jurisdiction in any area where facilities of the Corporation are located. In making such determinations, the Corporation shall be guided by the following criteria.

"(1) Amounts paid shall not exceed the tax payments that would be made by a private industrial corporation owning similar facilities and engaged in similar activities at the same location: Provided, however, That there shall be excluded any amount that would be payable as a tax on net income.

"(2) The Corporation shall take into account the customs and practices prevailing in the area with respect to appraisal, assessment, and classification of industrial property and any special considerations extended to large-scale industrial operations.

"(3) No amount shall be included to the extent that any tax unfairly discriminates against the class of taxpayers of which the Corporation would be a member if it were a private industrial corporation, compared with other taxpayers or classes of taxpayers.

"(4) In no event shall the payment made to any taxing authority for any period be less than the payments which would have been made to such taxing authority for the same period by the Department and its cost-type contractors on behalf of the Department with respect to property that has been transferred to the Corporation under section 1505 and which would have been attributable to the ownership, management operation, and maintenance of the Department's uranium enrichment facilities, applying the laws and policies prevailing immediately to the enactment of this title.

"c. Payments shall be made by the Corporation at the time when payments of taxes by taxpayers to each taxing authority are due and payable: Provided, That no payment shall be made to the extent that the tax would apply to a period prior to the enactment of this title.

"d. The determination by the Corporation of the amounts due hereunder shall be final and conclusive.

"SEC. 1603. MISCELLANEOUS APPLICABILITY OF TITLE I.

"a. Any references to the term 'Commission' or to the Department in sections 105 b., 110 a., 161 c., 161 k., 161 q., 165 a., 221 a., 229, 230 and 232 of title I shall be deemed to include the Corporation.

"b. Section 188 of title I shall apply to licensed facilities of the Corporation. For purposes of applying such section to facilities of the Corporation:

"(1) The term 'Commission' shall be deemed to refer to the Secretary;

"(2) There shall be no requirement for payment of just compensation to the Corporation, and receipts from operation of the facility in question shall continue to accrue to the benefit of the Corporation; and

"(3) The Secretary shall have the discretion to determine how and by whom the facility in question will be operated.

"SEC. 1604. COOPERATION WITH OTHER AGENCIES.—The Corporation is empowered to use with their consent the available services, equipment, personnel, and facilities of other civilian or military agencies and instrumentalities of the Federal Government, on a reimbursable basis and on a similar basis to cooperate with such other agencies and instrumentalities in the establishment and use of services, equipment, and facilities of the Corporation. Further, the Corporation may confer with and avail itself of the cooperation, services, records, and facilities of state, territorial, municipal or other local agencies.

"SEC. 1605. APPLICABILITY OF ANTITRUST LAWS.

"a. The Corporation shall conduct its activities in a manner consistent with the policies expressed in the antitrust laws, except as required by the public interest.

"b. As used in this subsection, the term 'antitrust laws' means:

"(1) The Act entitled: 'An Act to protect trade and commerce against unlawful restraints and monopolies,' approved July 2, 1890 (15 U.S.C. 1–7), as amended;

"(2) The Act entitled, 'An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes,' approved October 15, 1914 (15 U.S.C. 12–27), as amended;

"(3) Sections 73 and 74 of the Act entitled, 'An Act to reduce taxation, to provide revenue for the Government, and for other purposes,' approved August 27, 1894 (15 U.S.C. 8 and 9), as amended; and

"(4) The Act of June 19, 1936, chapter 592 (15 U.S.C. 13, 13a, 13b, and 21a).

"SEC. 1606. NUCLEAR HAZARD INDEMNIFICATION.—The Administrator shall have the same authority to indemnify the contractors of the Corporation as the Secretary has to indemnify contractors under section 170 d. of title I. Except that with respect to any licenses issued to the Corporation by the Commission, the Commission shall treat the Corporation and its contractors as its licensees for the purposes of Section 170 of this Act.

"SEC. 1607. INTENT.—It is hereby declared to be the intent of this title to aid the Corporation in discharging its responsibilities under this title by providing it with adequate authority and administrative flexibility to obtain necessary funds with which to assure the maximum achievement of the purposes hereof as provided herein, and this title shall be construed liberally to effectuate such intent.

"SEC. 1608. REPORT.

"a. Three years after enactment of this title or January, 1993, whichever is later, the Administrator shall submit to the President and to Congress an interim report setting forth the views and recommendations of the Administrator regarding transfer of the functions, powers, duties, and assets of the Corporation to private ownership. Five years after enactment of this title, the Administrator shall submit to the President and the Congress a final report setting forth the views and recommendations of the Administrator regarding transfer of the functions, powers, duties, and assets of the Corporation to private ownership. If the Administrator, in the final report, recommends such transfers, the report shall include a plan for implementation of the transfers.

"b. Within one hundred and eighty days after receipt of the final report under subsection (a), the President shall transmit to Congress his recommendations regarding the report, including a plan for implementation of any transfers recommended by the President and any recommendations for legislation necessary to effectuate such transfers.

"CHAPTER 27. DECONTAMINATION AND DECOMMISSIONING

"SEC. 1701. ESTABLISHMENT.

"a. ESTABLISHMENT OF FUND.—(1) There is hereby established in the Treasury of the United States an account of the Corporation to be known as the Uranium Enrichment Decontamination and Decommissioning Fund (hereinafter referred to in this chapter as the 'Fund'). In accordance with section 1402(j), such account and any funds deposited therein, shall be available to the Corporation for the exclusive purpose of carrying out the purposes of this chapter.

"(2) The Fund shall consist of:

"(A) Amounts paid into it by the Corporation in accordance with section 1702; and

"(B) Any interest earned under subsection (b)(2).

"b. ADMINISTRATION OF FUND.—(1) The Secretary of the Treasury shall hold the Fund and, after consultation with the Corporation, annually report to the Congress on the financial condition and operations of the Fund during the preceding fiscal year.

"(2) At the direction of the Corporation, the Secretary of the Treasury shall invest amounts contained within such Fund in obligations of the United States:

"(A) Having maturities determined by the Secretary of the Treasury to be appropriate to the needs of the Fund, as determined by the Corporation; and

"(B) Bearing interest at rates determined to be appropriate by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to such obligations.

"(3) At the request of the Corporation, the Secretary of the Treasury shall sell such obligations and credit the proceeds to the Fund.

"Sec. 1702. DEPOSITS.—Within sixty days of the end of each fiscal year, the Corporation shall make a payment into the Fund in an amount equal to the costs of decontamination and decommissioning that have been recovered during such fiscal year by the Corporation in its prices and charges established in accordance with section 1508 for products, materials, and services.

"SEC. 1703. PERFORMANCE AND DISBURSEMENTS.

"a. When the Corporation determines that particular property should be decommissioned or decontaminated, or both, or with respect to the Oak Ridge Gaseous Diffusion Plant at such time as the plant is conveyed to the Corporation, the Corporation shall enter into a contract for the performance of such decommissioning and decontamination.

"b. The Corporation shall pay for the costs of such decommissioning and decontamina-

tion out of amounts contained within the Fund.".

SEC. 113. TREATMENT OF THE CORPORATION AS BEING PRIVATELY-OWNED FOR PURPOSES OF THE APPLICABILITY OF ENVIRONMENTAL AND OCCUPATIONAL SAFETY LAWS.—The United States Enrichment Corporation shall be subject to Federal, State and local environmental laws and the Occupational Safety and Health Act (29 U.S.C. 651–678) to the same extent as is the Department of Energy as of the date of enactment. After four years from the date of enactment of this title, the United States Enrichment Corporation shall become subject to such laws to the same extent as a privately-owned corporation, unless the President determines that additional time is necessary to achieve the purposes of title II of the Atomic Energy Act of 1954, as amended.

SEC. 114. MISCELLANEOUS PROVISIONS.—(a) Section 9101(3) of title 31, United States Code (relating to the definition of "wholly-owned Government corporation") is amended by adding at the end the following: "(N) United States Enrichment Corporation.".

(b) In subsection 41 a. of the Atomic Energy Act of 1954, as amended, the word "or" appearing before the numeral "(2)" is deleted, a semicolon is substituted for a period at the end of the subsection and the following new paragraph is added: "or (3) are owned by the United States Enrichment Corporation.".

(c) In subsection 53 c. (1) of the Atomic Energy Act of 1954, as amended, the word "or" is inserted before the word "grant" and the phrase "or through the provision of production or enrichment services" is deleted in both places where it appears in such subsection.

(d) The Atomic Energy Act of 1954, as amended, is further amended in section 318(1) by striking the period after "activities" and by adding the following:

"(D) any facility owned by the United States Enrichment Corporation.".

(e) Subsection 905(g)(1) of Title II, United States Code, is amended to include "United States Enrichment Corporation" at the end thereof.

(f) Section 306 of title III of the Energy and Water Development Appropriations Act, 1988, P.L. 100-202, is repealed.

SEC. 115. LIMITATION ON EXPENDITURES.—For fiscal year 1991, total expenditures of the United States Enrichment Corporation shall not exceed total receipts.

SEC. 116. SEVERABILITY.—If any provision of this title, or the application of any provision to any entity, person or circumstance, shall for any reason be adjudged by a court of component jurisdiction to be invalid, the remainder of this act, or the application of the same shall not be thereby affected.

SEC. 117. EFFECTIVE DATE.—Except as otherwise provided, all provisions of this title shall take effect on the day following the end of the first full fiscal year quarter following the enactment of this act; Provided, however, That the Administrator or Acting Administrator of the United States Enrichment Corporation may immediately exercise the management responsibilities and powers of subsection 1501(a) of the Atomic Energy Act of 1954, as amended by this Act and previous Acts.

"TITLE II—URANIUM

Subtitle A.—Short Title, Findings and Purpose, Definitions

This title may be cited as the "Uranium Security and Tailings Reclamation Act of 1991."

SEC. 202. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds for purposes of this title that—

(1) the United States uranium industry has long been recognized as vital to United States energy independence and as essential to United States national security, but has suffered a drastic economic setback, including a 90 per centum reduction in employment, closure of almost all mines and mills, more than a 75 percent drop in production, and a permanent loss of uranium reserves;

(2) during the remainder of this century approximately 20 per centum of United States electricity is expected to be produced from uranium fueled powerplants owned by domestic electric utilities;

(3) the United States has been the leading uranium producing nation and holds extensive proven reserves of natural uranium that offer the potential for secure sources of future supply;

(4) a variety of economic factors, policies of foreign governments, foreign export practices, the discovery and development of low cost foreign reserves, new Federal regulatory requirements, and cancellation of nuclear powerplants have caused most United States producers to close or suspend operations over the past six years and have resulted in the domestic uranium industry being found "not viable" by the Secretary under provisions of the Atomic Energy Act of 1954, as amended;

(5) providing assistance to the domestic uranium industry is essential to—

(A) preclude an undue threat from foreign supply disruptions that could hinder the Nation's common defense and security,

(B) assure an adequate long-term supply of domestic uranium for the Nation's nuclear power program to preclude an undue threat from foreign supply disruptions or price controls, and

(C) aid in the Nation's balance-of-trade payments through foreign sales;

(6) the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7901–7942);

(A) was enacted to provide for the reclamation and regulation of uranium and thorium mill tailings; and

(B) did not provide for a Federal contribution for the reclamation of tailings at uranium and thorium processing sites which were generated pursuant to Federal defense contracts;

(7) the owners of licensees of active uranium and thorium sites and the Federal Government have each benefitted from uranium and thorium produced at the active sites, and it is equitable that they share in the costs of reclamation, decommissioning and other remedial actions at the commingled sites; and,

(8) the creation of an assured system of financing will greatly facilitate and expedite reclamation and remedial actions at active uranium and thorium processing sites.

(b) PURPOSES.—It is the purpose of subtitles B and C of this title to—

(1) ensure an adequate long-term supply of domestic uranium for the Nation's common defense and security and for the Nation's nuclear power program;

(2) provide assistance to the domestic uranium industry; and

(3) establish, facilitate, and expedite a comprehensive system for financing reclamation and other remedial action at active uranium and thorium processing sites.

SEC. 203. DEFINITIONS.

For purposes of this title—

(1) the term "active site" means—

(A) any uranium or thorium processing site, including the mill, containing by-product material for which a license (issued by the Nuclear Regulatory Commission or its predecessor agency under the Atomic Energy Act of 1954, as amended, or by a State as permitted under section 274 of such Act (42 U.S.C. 2021)) for the production at such site of any uranium or thorium derived from ore—

(i) was in effect on January 1, 1978;

(ii) was issued or renewed after January 1, 1978; or

(iii) for which an application for renewal or issuance was pending on, or after January 1, 1978; and

(B) any other real property or improvement on such real property that is determined by the Commission to be—

(i) in the vicinity of such site; and

(ii) contaminated was residual by-product material;

(2) the term "byproduct material" has the meaning given such term in section 11(e)(2) of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2014(e)(2));

(3) the term "civilian nuclear power reactor" means any civilian nuclear powerplant required to be licensed under section 103 or section 104 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2133);

(4) the term "Corporation" means the United States Enrichment Corporation established under section 1202 of Title II of the Atomic Energy Act of 1954, as amended;

(5) the term "Department" means the Department of Energy;

(6) the term "domestic uranium" means any uranium that has been mined in the United States including uranium recovered from uranium deposits in the United States by underground mining, open-pit mining, strip mining, in situ recovery, leaching, and ion recovery, or recovered from phosphoric acid manufactured in the United States;

(7) the term "domestic uranium producer" means a person or entity who produces domestic uranium and who has, to the extent required by State and Federal agencies having jurisdiction, licenses and permits for the operation, decontamination, decommissioning, and reclamation of sites, structures and equipment;

(8) the term "enrichment tails" means uranium in which the quatity of the U-235 isotope has been depleted in the enrichment process;

(9) the term "reclamation, decommissioning, and other remedial action" includes work, including but not limited to disposal work, accomplished in order to comply with all applicable requirements, including but not limited to those established pursuant to the Uranium Mill Tailings Radiation Control Act of 1978, as amended, or where appropriate, with requirements established by a State that is a party to a discontinuance agreement under section 274 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2021). The term shall also include work at an active site prior to the date of enactment of this Act accomplished in order to comply with the foregoing requirements;

(10) the term "Secretary" means the Secretary of Energy;

(11) the terms "source material" and "special nuclear material" have the meaning given such terms in section 11 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2014); and

(12) the term "tailings" means the wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content.

Subtitle B.—Uranium Revitalization

SEC. 210. VOLUNTARY OVERFEED PROGRAM.

(a) The Corporation shall establish, for a period of not less than five years commencing at the beginning of fiscal year 1992, a voluntary overfeeding program which shall be made available to the Corporation's enrichment services customers. The term "overfeeding" means the use of uranium in the enrichment process in excess of the amount required at the transactional tails assay.

(b) The Corporation shall encourage its enrichment services customers to participate in the voluntary overfeeding program as provided in this section. Uranium supplied by the enrichment customer shall be used by the Corporation for voluntary overfeeding in the enrichment process to reduce the amount of power required to produce the enriched uranium ordered by the enrichment services customer. The dollar savings resulting from the reduced power requirements shall be credited to the enrichment services customer.

(c) In the event an enrichment services customer does not elect to provide uranium for voluntary overfeeding to be used to process its enrichment order, the Corporation shall establish a method for such uranium to be voluntarily supplied by other enrichment services customer(s) which have expressed to the Corporation an interest in participating in such a program and the Corporation shall credit the resulting dollar savings realized from the reduced power requirements to the enrichment services customer(s) providing the uranium.

(d) An enrichment services customer providing uranium for voluntary overfeeding shall certify to the Corporation that such uranium is domestic uranium which has been actually produced by a domestic uranium producer after the enactment of this Act or domestic uranium actually produced by a domestic uranium producer before the enactment of this Act and hold by it without sale, transfer or redesignation of the origin of such uranium on a DOE/NRC form 741.

(e) Within ninety days of the date of enactment of this Act, the Corporation shall establish procedures to implement this program. Such procedures shall include, but not be limited to, delivery, reporting and certification requirements, and provisions for failure to comply with the requirements of the voluntary overfeeding program. The determination of the voluntary overfeeding credit and sufficient data to support such determination shall be available to the Corporation's enrichment services customers and to qualified domestic producers.

SEC. 211. NATIONAL STRATEGIC URANIUM RESERVE.

There is hereby established the National Strategic Uranium Reserve under the direction and control of the Secretary. The Reserve shall consist of 50,000,000 pounds of natural uranium contained in stockpiles or inventories currently held by the United States for defense purposes. Effective on the date of enactment of this Act, use of the Reserve shall be restricted to military purposes and government research. Use of the Department's stockpile of enrichment tails existing on the date of enactment of this Act shall be restricted to military purposes.

SEC. 212. RESPONSIBILITY FOR THE INDUSTRY.

(a) The Secretary shall have a continuing responsibility for the domestic uranium industry, and shall take any action, which he determines to be appropriate under existing law, to encourage the use of domestic uranium; *Provided, however,* That the Secretary, in fulfilling this responsibility, shall not use any supervisory authority over the Corporation. The Secretary shall report annually to the appropriate committees of Congress on action taken with respect to the domestic uranium industry, including action to promote the export of domestic uranium pursuant to paragraph (b) of this section.

(b) ENCOURAGE EXPORT.—The Department, with the cooperation of the Department of Commerce, the United States Trade Representative and other governmental organizations, shall encourage the export of domestic uranium. Within one hundred and eighty days of the date of enactment of this Act the Secretary shall develop recommendations and implement government programs to promote the export of domestic uranium.

SEC. 213. GOVERNMENT URANIUM PURCHASES.

(a) After the date of enactment of this Act, the United States of America, its agencies and instrumentalities, shall only have the authority to enter into contracts or orders for the purchase of uranium which is (1) of domestic origin and (2) is purchased from domestic uranium producers: *Provided,* That this section shall not affect purchases under a contract for delivery of a fixed amount of uranium entered into before the date of enactment of this Act.

(b) Subsection (a) shall not apply to the Tennessee Valley Authority.

SEC. 214. SECRETARY'S AUTHORITY TO MAKE REGULATIONS.

The Secretary shall issue appropriate regulations to implement the purposes of this title.

Subtitle C.—Remedial Action for Active Processing Sites

SEC. 220. REMEDIAL ACTION PROGRAM.

(a) IN GENERAL.—Except as provided in subsection (b), the costs of decontamination, decommissioning, reclamation, and other remedial action at an active uranium or thorium processing site shall be borne by persons licensed under section 62 or 81 of the Atomic Energy Act of 1954 (42 U.S.C. 2091, 2111) for any activity at such site which results or has resulted in the production of byproduct material.

(b) REIMBURSEMENT.—

(1) IN GENERAL.—The Secretary shall, subject to paragraph (2), reimburse at least annually a licensee described in subsection (a) for such portion of the reclamation, decommissioning and other remedial action costs described in such subsection as are—

(A) determined by the Secretary to be attributable to tailings generated as an incident of sales to the United States; and

(B) incurred by such licensee not later than December 31, 2002.

(2) AMOUNT.—

(A) TO INDIVIDUAL ACTIVE SITE URANIUM LICENSEES.—The amount of reimbursement paid to any licensee under paragraph (1) shall be determined by the Secretary in accordance with regulations issued pursuant to section 221 and shall not exceed an amount equal to $4.50 multiplied by the dry short tons of tailings located at the site as of the effective date of this title and generated as an incident of sales to the United States.

(B) TO ALL ACTIVE SITE URANIUM LICENSEES.—Payments made under paragraph (1) to active site uranium licensees shall not in the aggregate exceed $270,000,000.

(C) TO THORIUM LICENSEES.—Payments made under paragraph (1) to the licensee of the active thorium site shall not exceed $30,000,000.

(D) INFLATION ESCALATION INDEX.—The amounts in subsections (A), (B) and (C) of this section shall be increased annually based upon an inflation index. The Secretary shall determine the appropriate index to apply.

(E) ADDITIONAL REIMBURSEMENT.—Provided however, (i) the Secretary shall determine as of July 31, 2005, whether the amount authorized to be appropriated in section 222, when considered with the $4.50 per dry short ton limit on reimbursement, exceeds the total cost reimbursable to the licensees of active sites for reclamation, decommissioning and other remedial action; and (ii) if the Secretary determines there is an excess, the Secretary may allow reimbursement in excess of $4.50 per dry short ton on a pro-rated basis at such sites that reclamation, decommissioning and other remedial action costs for tailings generated as an incident of sales to the United States exceed the $4.50 per dry short ton limitation.

SEC. 221. REGULATIONS.

The Secretary shall issue regulations governing reimbursement under section 220. An active uranium or thorium processing site owner shall apply for reimbursement hereunder by submitting a statement for the amount of reimbursement, together with reasonable documentation in support thereof, to the Secretary. Any such statement for reimbursement, supported by reasonable documentation, shall be approved by the Secretary and reimbursement therefor shall be made in a timely manner subject only to the limitations of section 220.

SEC. 222. AUTHORIZATION.

There is authorized to be appropriated for purposes of this subtitle not more than $300,000,000 increased annually as provided in section 220 based upon an inflation index as determined by the Secretary.

By Mr. LIEBERMAN:

S. 211. A bill to protect the cable consumer; to the Committee on Commerce, Science, and Transportation.

CABLE CONSUMER PROTECTION ACT

Mr. LIEBERMAN. Mr. President, together with my friend and colleague in the House of Representatives, Congressman CHRIS SHAYS, I am pleased today to introduce the Cable Consumer Protection Act of 1991. This bill seeks to protect consumers from cable monopolists by both promoting competition and, until actual competition develops by allowing the government to check rampant cable rate increases.

In 1984, Congress passed the Cable Communications Policy Act of 1984, which I opposed vigorously as attorney general for the State of Connecticut. Today we must deal with the twin legacies of that Act—its success in making cable service available to almost 90 percent of homes in this country, with over 60 percent of these homes subscribing to cable, and its failure to encourage the development of any serious competition to keep cable companies from dramatically increasing prices.

The result now is that the vast majority of Americans are being victimized by an unregulated cable monopoly. With no competition and no government restraints on monopoly prices, the Consumer Federation of America now estimates that consumers are overcharged $6 billion for cable services. Since deregulation became fully

effective at the end of 1986, cable operators have increased the monthly price for their lower price cable package and their most popular cable package over three times faster than inflation. And most Americans would undoubtedly be surprised to learn that cable companies can buy all of the 25 most popular cable services—from MTV and CNN to C-SPAN, the Nashville Network and Nickelodeon—for less than $4 per subscriber per month.

Complaints about cable's customer service efforts also reflect the lack of competition. The FCC recently concluded that "there is currently insufficient competition to provide a check on the quality of service offered by cable operators.

Let there be no mistake. I like what cable service now provides to us. In the long run, I would like to see competition in cable and cable-like services become robust and flourish. That is why the bill I am introducing today contains provisions to help reduce the barriers to competition.

But until such time as real competition does emerge in the cable marketplace, consumers demand and deserve protection. As the Chairman of the FCC told a convention of cable companies last summer, we "cannot expect Government to continue sanctioning, indeed, protecting and promoting cable as a sole-source provider of video services while, at the same time, foregoing the regulation that historically has been placed on monopoly operations."

The bill Congressman SHAYS and I are introducing today will provide real protection to consumers. Under our bill, wherever cable operators face no effective competition, the states and the FCC would be granted to power to ensure that cable rates are reasonable. I emphasize that this means that wherever there is head-to-head competition, cable rates will not be regulated and the marketplace, not the government, will restrain prices.

Our bill would require the FCC to issue minimum nationwide standards for customer service and picture and sound quality. States and franchising authorities would be permitted to impose tougher standards than those set by the FCC. Our bill also clarifies the procedures used to renew cable franchises, and allows franchising authorities to inject competition into the franchising process.

We make two proposals to help lower barriers to the development of competition in cable. First, we would prohibit a local cable company from unreasonably discriminating among its subscribers. This will prevent entrenched cable companies from lowering rates just in areas of their franchise where they may face competition, while continuing to charge monoploy rates to customers where there is no competition. Second, programming distributors that are affiliated with cable operators will be prohibited from unreasonably refusing to deal with other multichannel distributors of cable or cable-like services, or from charging prices or imposing other terms of their programming that would impede retail competition. Together these provisions would facilitate the development of new competitors.

Finally, our bill would reinstate the FCC's 1985 must-carry rules as a condition of cable's compulsory license of broadcast television programming under the Copyright Act. Cable draws a substantial benefit from thecompulsory license, which allows it to obtain CBS, NBC, and ABC for a nominal charge. It should be required to carry small, local independent and public stations as a condition of receiving this benefit. It is simply unrealistic to assume that people will disconnect their cable hook-ups in order to receive small broadcast stations.

I believe that public support for reform of our cable television laws continues to grow with each passing day, each exorbitant rate increase and each abuse of cable consumers. The FCC's recent trial balloons on changing its effective competition standard reflect this fact. But the FCC cannot address the basic problem, which is that the 1984 cable act is now out of step with the realities of the marketplace.

Under the 1984 act, even if a cable operator faces no effective competition—as defined by the FCC—franchising authorities will only be able to regulate the tier of service that contains local broadcast television stations. Cable operators could avoid regulation of the most popular cable services, such as CNN, C-SPAN, MTV, and ESPN, simply by moving these services out of their most basic package. Many cable operators have already started to do this. The foreseeable result is that the government will only be regulating those services consumers can already get free with an antenna. The service that most people buy cable for would remain unregulated. Cable companies would be able to continue to gouge the American public.

Last year, we came close to enacting what promised to be a strong, if not perfect, cable consumer protection bill. I am genuinely optimistic about our chances for making real progress in restoring protection for consumers until a free market develops. I look forward to working with my colleagues in the House and the Senate, especially Senators HOLLINGS, INOUYE and DANFORTH, to pass a strong cable bill this year. American consumers deserve prompt action.

Mr. President, I request unanimous consent that a summary of the bill and the text of the bill be printed in the RECORD immediately following my remarks.

SUMMARY OF THE CABLE CONSUMER PROTECTION ACT OF 1991 INTRODUCED BY SENATOR JOSEPH I. LIEBERMAN AND CONGRESSMAN CHRIS SHAYS

RATE PROTECTION FOR CONSUMERS

When cable companies have no effective competition, the States, upon certification by the FCC, and the FCC, in areas not subject to State regulation, are given the power to ensure that rates for all cable services (including premium services, equipment and installation charges) are reasonable.

Except for start-up cable operations (systems serving less than 30% of a community), a cable operator faces "effective competition" only when there are at least two cable or cable-like companies that each serve 80% of a local community and when the competitors to the largest cable company actually serves at least 30% of the households in the cable community.

States regulating cable rates must have procedures or regulations ensuring that uniform standards will be applied in a consistent manner throughout the state, which it can—but is not required to—meet by using a single state agency to adjudicate rates. The State is not precluded from delegating its rate regulation powers to franchising authorities, provided that it can ensure uniform standards and consistency of application of those standards.

The State must also provide a mechanism for judicial review of arbitrary or capricious regulatory actions. The FCC must ensure that rates are reasonable in areas where the states are not certified to regulate. The bill lays out factors that must be considered in determining whether rates are reasonable.

Cable operators are prohibited from unreasonably discriminating (i.e., charging different rates for the same services) among subscribers of the same cable system.

CUSTOMER SERVICE AND PICTURE/SOUND QUALITY PROTECTION FOR CONSUMERS

The bill requires the FCC to promulgate minimum nationwide customer service and picture and sound quality standards. States and franchising authorities are authorized to impose higher standards for customer service and picture/sound quality.

ACCESS TO PROGRAMMING

Video programmers which are owned or controlled by cable operators are barred from unreasonably refusing to deal with other multichannel video programming distributors such as wireless cable systems, alternative cable operators or any direct broadcast satellite systems.

Video programmers owned or controlled by cable operators are also barred from discriminating in the price, terms and conditions for the sale of video programming to other multichannel video distributors if such discrimination would impede retail competition.

"MUST-CARRY" REQUIREMENTS

The bill reinstates the FCC's 1985 "Must-Carry" provisions, which are essential to the significant public interest of promoting program diversity, as a condition of cable's compulsory license of broadcast television signals.

The bill protects television stations' channel position against reassignment by a cable operator.

OTHER PROVISIONS

The bill includes provisions limiting franchising authorities' liability for damages, but not injunctive or declaratory relief, arising from cable regulatory or franchising activities. The provision makes clear there is

no immunity from damages in suits alleging race, color, sex, age, national origin or handicap discrimination.

The bill contains provisions to revise and clarify renewal procedures, and to inject competition into the renewal process.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 211

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Cable Consumer Protection Act of 1991".

FINDINGS

SEC. 2. The Congress finds and declares the following:

(1) Although the Cable Communications Policy Act of 1984 was intended to "promote competition in cable communications", competition has failed to develop. Very few consumers can now choose between two multichannel video programming distributors.

(2) The Cable Communications Policy Act of 1984, as implemented by the Federal Communications Commission, prohibits any direct scrutiny of rates by States and franchising authorities in 97 percent of all cable franchises. Cable consumers therefore are not protected by either competition or regulation.

(3) Since 1986, when the Cable Communications Policy Act of 1984 became fully effective thereby restricting States' and franchising authorities' ability to directly regulate the rates charged by the cable television industry, cable customers have been adversely affected by increased prices. According to the General Accounting Office, between 1986 and December 31, 1989, the monthly price for the lowest priced cable service increased 43.1% and the most popular cable service increased 39.4%. During the same period, the Consumer Price Index increased only approximately 12%. During 1989 alone, the monthly price for both the lowest priced and most popular cable services increased by approximately 10%—twice the rate of inflation.

(4) Customers have also continually complained about the quality of service they receive from cable operators in the absence of competition from another multichannel video provider. The FCC has concluded that "there currently is insufficient competition to provide a check on the quality of service offered by cable operators and responsive measures thus are necessary to ensure that consumers receive adequate service quality.".

(5) There is a substantial governmental and First Amendment interest in promoting a diversity of views provided through multiple technology media.

(6) Since nearly 59% of households in the United States with televisions now subscribe to cable television, and since this percentage is almost certain to continue to increase, it is now essential to the survival of local broadcast television stations, both commercial and noncommercial, that they be carried by local cable systems. There is a substantial governmental interest in ensuring that cable subscribers have access to these stations and in thereby ensuring the survival of these stations.

(7) The cable operators derive substantial benefit from the compulsory license of broadcast programming granted them pursuant to the Copyright Act of 1976. Continued receipt of these benefits should be contingent upon their providing their subscribers with access to local broadcast television stations through their cable systems.

DEFINITIONS

SEC. 3. (a) Section 602(5) of the Communications Act of 1934 (47 U.S.C. 522(5)), is amended by deleting "and" at the end of subparagraph (A), and by adding at the end thereof the following:

"(C) the installation, rental or sale of equipment (including, but not limited to converters and remotes) used for the receipt or use of video or other programming services, and

"(D) other cable-related services (including, but not limited to, changes in service packages or tiers, disconnection and reconnection, additional outlets, and service and repair calls).".

(b) Section 602 of the Communications Act of 1934 (47 U.S.C. 522), as amended by this section, is amended by deleting "and" at the end of paragraph (15); by deleting the period at the end of paragraph (16) and inserting in lieu thereof a semicolon; and by adding at the end thereof the following:

"(17) the term 'effective competition' means that—

"(A) fewer than 30 percent of the households in the cable community subscribe to the cable service of such cable system; or

"(B) the cable community is—

"(i) served by at least two unaffiliated multichannel video programming distributors each of which make available comparable video programming to at least 80 percent of the households in the cable community; and

"(ii) the number of households subscribing to programming services offered by multichannel video programming distributors other than the largest multichannel video programming distributor exceeds 30 percent of the households in the cable community;

"(18) the term 'available to a household' when used in reference to a multichannel video programming distributor means (A) a particular household which is a subscriber or customer of the distributor or (B) a particular household which is actively and currently sought as a subscriber or customer by a multichannel video programming distributor and which is capable of receiving the service offered by the multichannel video programming distributor;

"(19) the term 'cable community' means all of the households in the geographic area in which a cable system has been granted a franchise to provide cable service;

"(20) the term 'multichannel video programming distributor' means a person such as, but not limited to, a cable operator, multichannel multipoint distribution service, a direct broadcast satellite service, or a television receive-only satellite program distributor, who makes available for purchase, by subscribers or customers, multiple channels of video programming; and

"(21) the term 'video programmer' means a person engaged in the production, creation, or wholesale distribution of a video programming service for sale.".

PROTECTION AGAINST MONOPOLY RATES

SEC. 4. Section 623 of the Communications Act of 1934 (47 U.S.C. 543) is amended to read as follows:

"REGULATION OF RATES

"SEC. 623. (a) Any Federal agency, State, or franchising authority may not regulate the rates (including, but not limited to, all fees, charges, and deposits) for the provision of cable service, except to the extent provided under this section and section 612.

"(b)(1) A State, upon written application to and certification by the Commission, may regulate rates (including, but not limited to, all fees, charges, and deposits) for cable service in any cable system within that State which is not subject to effective competition to ensure that they are reasonable.

"(2) The Commission shall ensure that the rates (including, but not limited to, all fees, charges, and deposits) for cable service in any cable system not subject to effective competition and not subject to regulation by a State pursuant to subsection (b)(1), are reasonable.

"(3) The Commission shall certify a State to regulate rates for cable service pursuant to subsection (b)(1), if—

"(A) the State has filed a written application with the Commission;

"(B) the State has administrative structures or procedures in place that ensure that uniform standards will be applied in a consistent manner in determining whether rates for cable service are reasonable; provided that any State that designates one agency of the State to determine whether rates for cable service are reasonable shall be conclusively presumed to have satisfied the requirements of this subparagraph;

"(C) the State procedural laws and regulations applicable to determinations concerning rates for cable service permit judicial review of determinations that are arbitrary, capricious, or otherwise not in accordance with the law; and

"(D) State procedural laws and regulations applicable to determinations of whether rates for cable service are reasonable, provide a reasonable opportunity for comment by interested parties and provide at least the level of protection to consumers as provided by the Commission.

Upon receipt of a written application by a State to regulate rates for cable service pursuant to this subsection, the Commission shall publish a notice of such request in the Federal Register and solicit comment by interested parties. If the Commission has not denied the State's application for certification within 90 days of receipt at the Commission, the application shall be deemed approved and may not be challenged except pursuant to paragraph (6), and the State shall be deemed to have been certified by the Commission to regulate rates for cable service pursuant to subsection (b)(1). If the Commission disapproves a State application for certification, the Commission shall notify the State of any revisions or modifications necessary to obtain approval.

"(4) In determining whether the rate for a cable service offered by a cable operator is reasonable, the Commission or a State shall consider, among other factors, the following:

"(A) the number of signals included in the service for which a rate is being established;

"(B) the direct cost, if any, paid by the cable operator to obtain, transmit, or otherwise provide the signals included in each service for which a rate is being established, and changes in such costs;

"(C) the revenues, if any, received by a cable operator from a supplier of programming or advertising carried as a part of the service for which a rate is being established, and changes in such revenues;

"(D) such portion of the joint and common costs of the cable operator (including the costs of constructing, maintaining, and improving cable system facilities, meeting customer service and signal quality requirements, and fulfilling the cable operator's obligations pursuant to section 611 of the Communications Act of 1934 and other provisions

of the franchise agreement not attributable to a particular service) as is properly allocable to providing the signals included in the cable service for which a rate is being established, and changes in such costs;

"(E) the profitability of the cable service for which a rate is being established, and profitability of the cable system (including a reasonable profit for the cable operator on the operation of the cable system);

"(F) whether the cable operator has substantially complied with the terms and conditions of the franchise agreement;

"(G) the rates charged by the cable operator for other cable services in the franchise area; and

"(H) local conditions that may affect the reasonableness of a rate.

"(5) A cable operator or other interested party, after two years following certification of a State by the Commission pursuant to subsection (b)(3) of this section, may file a petition challenging regulation of rates for cable service rates by a State. If the petition establishes a prima facie case that the State has willfully and repeatedly acted inconsistently with the requirements in paragraph (3), the Commission shall review such regulation of rates for cable service by the State. If the Commission finds, after notice to the State and a reasonable opportunity for the State to comment, that the State has willfully and repeatedly acted inconsistently with the requirements in paragraph (3), the Commission shall so inform the State and shall inform the State that its right to regulate rates may be revoked if such inconsistency is not cured. After such notice and a reasonable period and opportunity to cure any inconsistency, the Commission may order such relief, including decertification of the State, as it shall deem proper. A State whose right to regulate rates is revoked under this paragraph may apply for recertification pursuant to paragraph (3) six months from the effective date of the Commission's determination.

"(6) Nothing in this title shall be construed as prohibiting a State from delegating its authority, pursuant to subsection (b)(1), to regulate rates for cable service to any agency or subdivision, including a franchising authority.

"(c) It shall be unlawful for any cable operator, directly or indirectly, to unreasonably discriminate among subscribers or potential subscribers of cable service in connection with the services offered or the rates charged for those services; provided that nothing in this subsection shall be construed to prohibit a franchising authority from enforcing ordinance or franchise provisions established pursuant to this title, including, but not limited to sections 611, 624 and 632 of this title.

"(d) Nothing in this title shall be construed as forbidding any Federal agency, State, or franchising authority from—

"(1) prohibiting discrimination among customers of cable service; or

"(2) requiring and regulating the installation, sale or rental of equipment which facilitates the reception of cable service by persons with disabilities.

"(e) Within 180 days of the date of enactment of the Cable Consumer Protection Act of 1991, the Commission shall, by regulation, require cable operators to file, on at least an annual basis, such financial information as may be needed for purposes of administering and enforcing this section. A cable operator shall provide all such financial information to a State certified to regulate rates pursuant to subsections (b)(1) and (b)(3). Nothing in this title shall prohibit a State from requiring a cable operator to furnish such additional information as may be necessary to ensure that cable rates are reasonable. Nothing in this title shall prohibit a State or franchising authority from requiring a cable operator to provide financial information for any other lawful purpose.

"(f) Nothing in this section shall be deemed to limit the power of a State or franchising authority to impose and enforce customer service standards which may cover items described in subsection 602(5)(D).".

SIGNAL QUALITY

SEC. 5. Section 624(e) of the Communications Act of 1934 (47 U.S.C. 544(e)) is amended to read as follows:

"(e) Within one year after the date of enactment of the Cable Consumer Protection Act of 1991, the Commission shall, after notice and opportunity for comment, issue rules that establish minimum technical standards relating to cable systems' technical operation and signal quality, including testing procedures and protocols used to measure compliance with such standards. The Commission periodically shall update such standards and procedures to reflect improvements in technology. A franchising authority may require as part of a franchise (including the modification, renewal, or transfer thereof), or a State may require as a matter of State law or regulation, provisions for the enforcement of the standards and procedures prescribed by the Commission under this subsection. Nothing in this section shall prohibit—

"(1) a franchising authority, as part of a franchise (including the modification, renewal, or transfer thereof), or

"(2) a State, as a matter of State law or regulation,

from establishing and enforcing technical standards and procedures that exceed the standards prescribed by the Commission under this subsection or are not addressed by the standards or procedures set by the Commission under this section.

CUSTOMER SERVICE STANDARDS

SEC. 6. (a) Section 632(a) of the Communications Act of 1934 (47 U.S.C. 552(a)) is amended by inserting immediately after the word "authority" the words "may establish and"; and by inserting immediately after the word "operator" the first time it appears, "that (A) either exceed the standards set by the Commission under this section or address matters not addressed by the standards set by the Commission under this section, or (B) exist prior to the adoption by the Commission of rules pursuant to subsection (d)(1) of this section".

(b) Section 632 of the Communications Act of 1934 (47 U.S.C. 552) is amended by adding at the end the following new subsection:

"(d)(1) The Commission, within 180 days after the date of enactment of this subsection, shall, after notice and an opportunity for comment, issue rules that establish customer service standards that ensure that all subscribers are fairly served. Such standards shall include, at a minimum, requirements governing—

"(A) cable system office hours and customer service representative availability (whether in person or by telephone);

"(B) installations, outages, service calls, and response time to service complaints and requests (whether in person or by telephone);

"(C) billing and collection practices between the cable operator and the customer (including, but not limited to, standards governing bills, refunds, credits and service terminations);

"(D) disclosure of all available services, tiers, prices, rates, and rights available to customers, and changes in such services, tiers, prices, rates and rights; and

"(E) subscriber complaint resolution procedures, including notifying cable subscribers of grievance procedures and of regulatory bodies with the right to review customer complaints.

Thereafter the Commission shall regularly review the standards and make such modifications as may be necessary to ensure that subscribers are fairly served. A franchising authority may enforce the standards adopted by the Commission.

"(2) Notwithstanding the provisions of subsection (a) and this subsection, nothing in this title shall be construed to prevent the enforcement of—

"(A) any municipal ordinance, or

"(B) any State law,

concerning customer service that imposes customer service requirements that exceed the standards set by the Commission under this section, or address matters not addressed by the standards set by the Commission under this section.".

NONDISCRIMINATION WITH RESPECT TO VIDEO PROGRAMMING

SEC. 7. Title VI of the Communications Act of 1934 (47 U.S.C. 521 et seq.) is amended by adding at the end the following new section:

"NONDISCRIMINATION WITH RESPECT TO VIDEO PROGRAMMING

"SEC. 640. (a) A video programmer in which a cable operator has an attributable interest and who licenses video programming for distribution—

"(1) shall not unreasonably refuse to deal with any multichannel video programming distributor;

"(2) shall not discriminate in the price, terms, and conditions in the sale of the video programmer's programming among cable systems, cable operators, or other multichannel video programming distributors if such action would have the effect of impeding retail competition.

"(b) A video programmer in which a cable operator has an attributable interest and who licenses video programming for distribution shall make programming available on similar price, terms, and conditions to all cable systems, cable operators, other multichannel video programming distributors or their agents or buying groups; provided however, that such video programmer may—

"(1) impose reasonable requirements for credit-worthiness, offering of service, and financial stability;

"(2) establish different price, terms, and conditions to take into account differences in cost in the creation, sale, delivery, or transmission of video programming;

"(3) establish price, terms, and conditions which take into account economies of scale or other cost savings reasonably attributable to the number of subscribers served by the distributor; and

"(4) permit price differentials which are made in good faith to meet the equally low price of a competitor.

"(c) No cable operator, cable system, or its affiliate may discriminate against any unaffiliated video programmer or require a financial interest in a video programmer or video programming service as a condition of carriage on a cable system.

"(d) The Commission shall prescribe rules and regulations to implement this section. The Commission's rules shall—

"(1) provide for an expedited review of any complaints made pursuant to this section; and

"(2) provide for penalties to be assessed against any person filing a frivolous complaint pursuant to this section.

"(e) This section shall not apply to the signal of an affiliate of a national television broadcast network or other television broadcast signal that is retransmitted by satellite and shall not apply to any internal satellite communication of any broadcaster, broadcast network, or cable network.".

LIMITATION OF FRANCHISING AUTHORITY LIABILITY

SEC. 8. Part III of title VI of the Communications Act of 1934 (47 U.S.C. 621 et seq.) is amended by adding at the end the following new section:

"LIMITATION OF LIABILITY

"SEC. 628. (a) In any court proceeding pending on the date of enactment of this section, or initiated after such date, involving any claim against a franchising authority or other governmental entity, or any official, member, employee, or agent of such authority or entity, arising from the regulation of cable services or a decision of approval or disapproval with respect to a grant, renewal, transfer or amendment of a franchise, any relief, to the extent such relief is required by any other provision of Federal, State or local law, shall be limited to injunctive and declaratory relief.

"(b) Nothing in this section shall be construed as limiting the relief authorized with respect to any claim against a franchising authority or other governmental entity, of any official, member, employee or agent of such authority or entity, to the extent such claim involves discrimination on the basis of race, color, sex, age, religion, national origin or handicap.

"(c) Nothing in this section shall be construed as creating or authorizing liability of any kind, under the Constitution of the United States or any law, for any action or failure to act relating to cable services or the granting of a franchise by any franchising authority or other governmental entity, or any official, member, employee, or agent of such authority or entity.".

FRANCHISE RENEWAL

SEC. 9. (a) Section 626(a) of the Communications Act of 1934 (47 U.S.C. 546(a)) is amended by adding at the end of the subsection the following:

"If a franchising authority does not initiate proceedings under this subsection on its own initiative, submission of a timely written renewal notice by the cable operator specifically requesting a franchising authority to initiate the formal renewal process under this section is required for the cable operator to invoke the renewal procedures set forth in subsections (a) through (g) of this section; except that nothing in this section requires a franchising authority to commence the renewal proceedings during the 6-month period which begins with the 36th month before the franchise expiration.".

(b) Section 626(b)(1) of the Communications Act of 1934 (47 U.S.C. 546(b)(1)) is amended by deleting all after the first comma, and inserting in lieu thereof the following: "as determined by the franchising authority, the franchising authority shall issue a written request for a renewal proposal.".

(c)(1) Section 626(c)(1) of the Communications Act of 1934 (47 U.S.C. 546(c)(1)) is amended—

(A) by adding after "franchise" the first time it appears the words "submitted in response to a written request for a renewal proposal issued pursuant to, and in conformance with, subsection (b)";

(B) by striking the words "completion of any proceedings under subsection (a)" and inserting in lieu thereof "date of the submission of the cable operator's proposal in response to a written request for a renewal proposal issued pursuant to, and in conformance with, subsection (b)"; and

(C) by deleting "and" at the end of subparagraph (C), by deleting the period at the end of subparagraph (D) and inserting in lieu thereof a semicolon and the word "and", and by adding at the end thereof the following new subparagraph:

"(E) any other factors reasonably determined by the franchising authority to be relevant to the public interest in cable service.".

(2) Section 626(c)(1)(A) of the Communications Act of 1934 (47 U.S.C. 546(c)(1)(A)) is amended—

(A) by deleting the word "has" and inserting in lieu thereof the words "and its predecessors have"; and

(B) by inserting before the semicolon the words "throughout the franchise term".

(3) Section 626(c)(1)(B) of the Communications Act of 1934 (47 U.S.C. 546(c)(1)(B)) is amended—

(A) by inserting after "operator's" the words "and its predecessor's";

(B) by deleting ", quality, or level" and inserting in lieu thereof "or quality"; and

(C) by inserting before the semicolon the words "throughout the franchise term".

(d) Section 626(d) of the Communications Act of 1934 (47 U.S.C. 546(d)) is amended—

(1) by inserting after the word "renewal" the first time it appears the words "which has been submitted in response to a request for a renewal proposal issued pursuant to, and in conformance with, subsection (b)"; and

(2) by amending the second sentence thereof to read as follows: "A franchising authority may not base denial of renewal on a failure to substantially comply with the material terms of the franchise under subsection (c)(1)(A) of this section if—

"(1) the franchising authority specifically, expressly and in writing waives its right to object to the conduct constituting a failure to substantially comply with the material terms of the franchise which is the grounds for denying renewal of the franchise, or

"(2) if the cable operator demonstrates by a preponderance of the evidence that it had no actual knowledge, and no reason to know, that its conduct failed substantially to comply with the material terms of the franchise, and that its lack of knowledge or reason to know that its conduct failed substantially to comply with the material terms of the franchise actually prejudiced its ability to comply with those material terms.".

(e) Section 626(e)(2) of the Communications Act of 1934 (47 U.S.C. 546(e)(2)) is amended—

(1) by inserting immediately before the semicolon in subparagraph (A) the words "and such failure to comply actually prejudiced the cable operator"; and

(2) by deleting the words "not supported by a preponderance of the evidence" in subparagraph (B) and inserting in lieu thereof "arbitrary and capricious".

(f) Section 626(h) of the Communications Act of 1934 (47 U.S.C. 546(h)) is amended by inserting immediately after the second sentence the following new sentence: "In addition, the provisions of subsections (a) through (g) of this section do not apply to any renewal proceeding which has not been commenced pursuant to subsection (a).".

(g) Section 626 of the Communications Act of 1934 (47 U.S.C. 546) is amended by adding at the end thereof the following new subsections:

"(i) Notwithstanding the provisions of subsections (a) through (h) of this section, a franchising authority may, at any time after it determines the proceedings under subsection (a)(1) are completed, solicit and receive competitive proposals for a franchise and may grant any such competitive proposal and, subject to the provisions of subsection (c), deny renewal to the incumbent cable operator if the franchising authority reasonably determines that the person(s) submitting the competitive proposal(s) has the financial, legal and technical ability to provide the proposed cable service and (1) the incumbent cable operator has failed to satisfy the standards in subsection (c)(1)(A) or subsection (c)(1)(B); or (2) the selection of the competing proposal(s) will better serve the public interest with respect to the factors set forth in subsections (c)(1)(C), (c)(1)(D), or (c)(1)(E); provided, however, that nothing herein shall preclude a franchising authority from awarding one or more cable franchises at any time pursuant to section 621(a)(1) or require a franchising authority to grant any competitive proposal pursuant to this subsection (i) or any other proposal for a franchise.

"(j) Notwithstanding the provisions of subsections (a) through (h), any lawful action to revoke a cable operator's franchise for cause shall not be negated by the initiation of renewal proceedings by the cable operator under this section.".

MUST-CARRY REQUIREMENTS

SEC. 10. (a) Section 111(c) of title 17, United States Code, is amended in paragraph (1) by striking out "where the carriage of the signals" and all that follows through the end of such paragraph and inserting in lieu thereof the following:

"where—

"(A) the carriage of the signals is permissible under the rules, regulations, or authorizations of such Commission; and

"(B) the cable system complies with section 641 of the Communications Act of 1934.".

(b) Title VI of the Communications Act of 1934 (47 U.S.C. 521 et seq.) is amended by adding at the end the following new section:

"COMPLIANCE WITH MUST-CARRY REQUIREMENTS

"SEC. 641. (a) A cable system complies with the requirements of this section if the Federal Communications Commission certifies that the cable system—

"(1) carries, as part of the basic tier of cable service regularly provided to all subscribers at the minimum charge and to each television receiver on which subscribers receive cable service, in full and in their entirety, the signals of television broadcast stations in accordance with sections 76.5 and 76.51 through 76.62 of title 47 of the Code of Federal Regulations as in effect on December 10, 1987; and

"(2) carries each such station on the cable channel on which it was carried on July 19, 1985, or on the channel number assigned to such station by the Commission, at the election of the television broadcast station, or on such other cable channel as may be acceptable to the television broadcast station.

"(b) The requirements of this section shall not be subject to an expiration date.".

By Mr. COATS (for himself and Mr. BIDEN):

S. 212. A bill to further assist States in their efforts to increase awareness about and prevent family violence and

provide immediate shelter and related assistance to battered women and their children; to the Committee on the Judiciary.

DOMESTIC VIOLENCE PREVENTION ACT

• Mr. COATS. Mr. President, today, I am pleased to reintroduce a bill, with my distinguished colleague Senator BIDEN, which I offered last Congress to address a deeply disturbing and pressing social problem—that of family violence. There are few issues as complex or troublesome as the violence which reaches into the very homes of many Americans. The incidence of reported cases is staggering. Every 15 seconds, a women or child is battered in our country. And every 11 days, a women is murdered by her spouse or boyfriend. Tragically, once a women has been victimized in a domestic setting, she has a strong chance of being abused repeatedly. And the experts agree that reported cases represent just a small fraction of the physical abuse and violence actually occurring in American homes each year.

Our society simply cannot afford to ignore brutal, criminal acts just because they occur within the sanctity of our homes. Last Congress, I developed legislation with the advice and consultation of a broad spectrum of domestic violence experts—battered women, prosecuting attorneys, police officers, State legislators, shelter operators, counselors. I urge my colleagues to act on this legislation which will empower States to more effectively prosecute offenders and will assist the victims of these tragic acts.

The Domestic Violence Prevention Act of 1991 addresses several key issues critical to combating violence. First, it enhances State enforcement efforts through Federal grant programs, and provides incentives to States to adopt stricter laws such as mandatory arrest and no drop policies. In addition, the act targets funds to shelters for victims, and encourages States to allow victims a greater voice in post-conviction sentencing and release hearings.

I appreciate the leadership and keen interest in these issues offered by my distinguished colleague, Senator BIDEN. Not only has he joined me as the primary cosponsor of my legislation, but I am pleased to note that he has included the provisions of my bill in a larger legislative package he has just introduced on the broader issues of violence confronting women in our society.

This Congress has an opportunity to send a strong, clear message to abusers. Our society will not tolerate domestic violence. We also need to assure victims that help and support are available to those brave enough to speak out. I believe that my legislation is an important step toward achieving these goals, and I urge my colleagues to support it.•

By Mr. THURMOND:

S. 213. A bill to amend the Federal charter for the Boys' Clubs of America to reflect the change of the name of the organization to the Boys and Girls Clubs of America; to the Committee on the Judiciary.

CHANGE IN CHARTER OF THE BOYS' CLUBS OF AMERICA

Mr. THURMOND. Mr. President, I am pleased to introduce today a bill to amend the Boys Clubs of America Federal charter to reflect the name change to Boys and Girls Clubs.

In August 1956, the Congress of the United States recognized the work of Boys' Club of America by presenting to it a Federal charter on the occasion of its 50th anniversary. This outstanding organization has a superlative record of service to youth with a special concern for girls and boys from disadvantaged circumstances.

For 130 years, the young people of this country have benefited from caring people who serve as board members and staff and who truly believe, "there's no such thing as a bad kid."

In 1860, the first clubs were founded in New England during the height of the industrial revolution. This concept of providing afterschool and evening growth-enhancing activities for young people grew and in 1906 the national organization, now known as Boys Clubs of America, was founded. For the next six decades, local clubs served a growing youth population primarily made up of boys.

Today, there are 1,100 clubs across the country serving 1.4 million girls and boys.

Mr. President, in May of last year, the National Council of Boys Clubs of America voted to change the name of the national organization to Boys and Girls Clubs of America in recognition of more than 400,000 girls who are now members of Boys and Girls Clubs across the country. Therefore, I urge my colleagues to join with me in supporting this amendment to the Boys Clubs Federal charter which reflects the change of the name of the organization to the Boys and Girls Clubs of America and also updates the names of the board members.

By Mr. HATCH (for himself and Mr. THURMOND):

S. 214. A bill to provide precedures for calling Federal constitutional conventions under article V for the purpose of proposing amendments to the U.S. Constitution; to the Committee on the Judiciary.

CONSTITUTIONAL CONVENTION IMPLEMENTATION ACT

Mr. HATCH. Mr. President, I am pleased to introduce today the Constitutional Convention Implementation Act of 1991. This important proposal was approved by the full Judiciary Committee in both the 98th and 99th Congresses.

Article V of the U.S. Constitution provides that constitutional amendments may be proposed in either of two ways. The first—the means by which every successful amendment to the Constitution has been proposed—requires the agreement of two-thirds of each House of Congress. The second requires the agreement of a convention called by Congress in response to the applications of two-thirds of the State legislatures. Ratification of amendments proposed through either method is to be done either by the legislatures, or by conventions, in three-fourths of the States, depending upon the determination of Congress.

Largely as a result of the fact that the convention method of constitutional revision has never been successfully employed, there are substantial questions that relate to it:

What constitutes a valid application to the Congress?

What procedures must a State follow in submitting an application?

Must the precise language of the proposed amendment be included within the application?

How similar must the language be in applications of various States in order to allow them to be aggregated?

How long does an application remain valid? May such applications be rescinded by the States?

What is the extent of congressional power to review applications? What is the extent of congressional power to restrict the deliberations of the convention?

What is the extent of State power to restrict the deliberations of the convention?

How is the convention to be organized? How are the States to be represented at the convention?

May Congress refuse to submit the product of a convention to the States for ratification?

How are constitutional convention-proposed amendments to be ratified by the States?

With respect to most of these questions, there is very little constitutional guidance. The relevant language of article V states simply:

> The Congress "on the application of the legislature of two-thirds of the several states, shall call a convention for proposing amendments."

Nor are there useful precedents in view of the fact that there has never been a constitutional convention under article V. Each of the questions involved in this, the alternative means of amending the Constitution, is therefore a threshold question.

OBJECTIVES OF ACT

Article I, section 8, clause 18 of the Constitution invests authority in Congress to:

Make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitu-

tion in the Government of the United States.

This provision clearly authorizes the Congress to pass legislation that would give effect to the convention method of constitutional alteration. This would be a direct function of its article V authority to call a convention pursuant to applications of two-thirds of the States.

I am introducing legislation, the Constitutional Convention Implementation Act, which would fill in the interstices of article V. It is similar to legislation which I have introduced during the previous four Congresses, and which was unanimously approved by the Subcommittee on the Constitution during the 97th Congress. It is particularly important that this body act on this, or similar legislation, in view of the fact that numerous State legislatures have already purported to submit applications to Congress for the convening of a constitution convention on the subject of a balanced budget amendment. I would only hope that this act, however, could be considered separately from the merits of this or any other specific amendment effort.

The Constitutional Convention Implementation Act is designed to establish what are basically neutral procedures to guide the conduct of constitutional conventions generally. While the imminence of a convention on the matter of a balanced budget has clearly created the urgency for this legislation, the act is designed neither to facilitate nor obstruct the eventual achievement of a balanced budget amendment, or any other constitutional amendment. The purpose of this legislation is primarily to insure that Congress has clear standards and criteria by which to judge convention applications before it, and that any convention that takes place under article V is conducted in an orderly and nonchaotic manner.

One must look to the policy underlying the establishment of the convention form of amendment in order to construct an appropriate procedures bill. Even a cursory analysis of the original Constitutional Convention—convened under the auspices of the Articles of Confederation—makes clear that the final provisions of article V resulted from a compromise between those delegates who sought to invest proposal authority solely in Congress and those who sought to invest it solely in the State legislature. The two modes of initiating amendments were viewed as essentially equivalent alternatives, each of which was to serve as a check upon the intransigence of either the national legislature or the State legislature in the matter of proposing constitutional revision.

In view of this fundamental purpose, I believe that legislation giving effect to the convention method of amendment should be such that resort to its use will not render the Constitution too mutable—the Federalist No. 43—while at the same time insuring that it will not be rendered null and void because it remains too cumbersome a method. The amendment process should never be one that can be successfully employed with great ease, yet neither should it be a process totally incapable of being used to alter the Constitution. The requirement that State convention applications relate to the same general subject or subjects serves to ensure the existence of some real consensus among the States with respect to the need for constitutional revision in some relatively circumscribed area.

PROVISIONS OF ACT

I would like to briefly discuss the provisions of this act and explain their justification. I should add at the outset my debt to the efforts of our former colleague, Senator Sam Ervin. While my bill differs in a number of respects from legislation that Senator Ervin successfully shepherded through the Senate in 1971 and 1973, its basic structure is closely related to that measure. That legislation was approved unanimously on one occasion by this body, and by a voice vote on the other occasion.

Section I of my bill states that its short title is the "Constitutional Convention Implementation Act of 1989."

CONVENTION APPLICATIONS

Section 2 specifies the manner in which States are to make applications for a constitutional convention. It states simply that the legislature shall specify within its application for a convention, the general subject of the amendment or amendments to be proposed. The objective of this standard is to ensure that two-thirds of the States have a sufficiently similar purpose to warrant the aggregation of their applications.

The purpose of the application process is to determine that there exists some form of consensus among the States on the matter of a relatively well-defined area of amendment. This consensus cannot fairly be said to be in evidence if aggregation is to be permitted of applications that are, at best, only incidentally related.

On the other hand, it cannot be reasonably expected that identical, or even nearly identical, language be employed in petitions that ought to be aggregated. Such a requirement is highly unrealistic with respect to 50 diverse State legislative bodies; the imposition of such a rigid rule would effectively render the alternative method of amendment provided in article V useless. Further, to the extent that a petition was required to be precise, either with respect to the specific amendment sought, or the specific language sought, there would be little use for the convention itself. To limit the convention to the consideration of a single, meticulously worded amendment is to make the convention a farce. In order for the convention to be a meaningful part of the article V process, it must have some leeway within which to exercise its legitimate discretion.

LIMITED CONVENTIONS

That this discretion, however, is not without its limits is the subject of section 2(b), and, indeed, is the basic theme of the Constitutional Convention Implementation Act. This section states that the procedures provided in the act are to be followed only in the case applications for what are commonly referred to as "limited" conventions. Such conventions are defined for the purposes of this act as conventions designed to consider one or more specific predefined areas of amendment to the Constitution of the United States. Implicit in this section is the recognition that the States may call for the convening of either limited or general conventions; it is, however, simply with respect to the former that the terms of this act apply.

A general convention would be one in which the States petitioned for a convention, not with any specific or limited purposes in mind, but for the purpose of making whatever revisions were deemed necessary or desirable by the convention itself. It is this sort of convention that poses such great concerns to most observers, including myself. I am far from confident that a contemporary general convention could do much to improve upon the work of Madison, Hamilton, and Wilson. While there is no way that Congress, through passage of a simple statute, could preclude the States from requesting a general convention—this is their right under article V—neither is Congress precluded from clarifying that the States are fully within their rights in seeking a limited convention.

There is academic dispute as to the possibilities of a limited constitutional convention. Prof. Charles Black of the Yale Law School, for example, believes that the constitutional convention is a free agent, sovereign and without limitations. According to this theory, the convention represents the premier assembly of the people, and is therefore supreme to all other Government branches and agencies. It cannot be limited in the scope of its deliberations, whatever the limited nature of the grievances that brought the convention into being.

I would disagree with this interpretation. The constitutional convention, while clearly a unique and separate element of the Government—a temporary new branch of the Government—a new branch of the Government, so to speak—is subject to the same limitations and checks and balances as the other, permanent branches of the Government. A constitutional convention, as its name clearly implies, is a constitutional entity; it is

appointed under the terms of the Constitution and subject to all of the express and implied limitations imposed by that document. As observed by Professor Jameson in his classic work on constitutional conventions:

The convention's principal features is that it is subaltern—it is evoked by the side and at the call of a Government preexisting and intended to survive it, for the purpose of administering to its special needs. It never supplants the existing organization. It never governs. Though called to look into and recommend improvement in the fundamental laws, it enacts neither them nor the statute laws; and it performs no act of administration.

The Federal constitutional convention is an instrument of the Government, and acts properly only when it acts in comformity to its authorized powers.

There is nothing in the language of article V to suggest that the convention method of amendment cannot be limited to a single area of amendment. The symmetry between the competing processes of constitutional amendment is emphasized by Madison in the Federalist No. 43 in discussing the objectives of article V:

That useful alteration will be suggested by experience, could not be foreseen. It was requisite therefore that a mode for introducing them should be provided. The mode preferred by the convention seems to be stamped with every mark of propriety. It guards equally against that extreme facility which would render the Constitution too mutable; and that extreme difficulty which might perpetuate its discovered faults. It moreover equally enables the general and the State governments to originate the amendment of errors as they may be pointed out by the experience on one side or on the other.

It was clearly contemplated that the article V primarily anticipated specific amendment or amendments, rather than general revisions, and that no distinction was to be drawn between the competing methods of amendment in this respect.

To enable Congress to propose specific constitutional amendments while allowing the States only to propose general constitutional revision is to confer markedly unequal powers of amendment upon these governments, an intention contradicted by the unanimous weight of documentary evidence. If the States are to have no ability to control the actions of a convention in the form of their convention applications, then there will be strong disincentives for them to seek such conventions. In the absence of broad-based dissatisfaction with the existing constitutional system, why should they want to risk the possibility of a convention acting beyond the scope of their application? Why, in seeking to originate the "amendment of errors" described by Madison should the State have to risk total revision of the constitutional system?

It is anomalous that in seeking to correct what might be a narrow defect in the system that the States should have to place the entire system in jeopardy. What better means could there be to perpetuate the discovered faults of the system? What better means could there be to place the convention system of amendment in an unequivalent position to the congressional system of amendment? What better means could there be to completely discourage any and all resort to the convention means of constitutional amendment?

As Prof. William Van Alstyne has remarked:.

I find it perfectly remarkable that some have argued for a construction of article V which not only limits the power of State legislatures to have a convention, but would limit that power to its least expected, least appropriate, most difficult (and yet most dangerous) use.

It is the States, not Congress, that ought to properly have the ability to limit the scope of the convention, through their convention applications. While Congress, under section 6 of the Constitutional Implementation Act, is empowered to specify in its call for the convention the scope of permissible deliberations, it is performing basically an administrative, nondiscretionary function in doing so; it is simply translating the State applications into formal convention call.

APPLICATION PROCEDURES

Section 3(a) of the act specified that the procedures to be followed in making a convention application are those adopted by the States themselves. Although a State is free to adopt procedures uniquely applicable to the convention application process—as the State of Illinois, for example, has done with respect to the amendment ratification process—it is anticipated that most States will follow procedures that govern the adoption of simple statutes or resolutions.

Section 3(b) provides further that questions concerning the extent to which States have acted in compliance with their own rules of procedure are also to be determined by the State legislatures themselves. While recognizing that, in pursuit of their authority under article V, the States are acting in quasi-Federal capacity rather than in a purely State role, *Leser* v. *Garnett* (258 U.S. 130, 137 (1922)), it would nevertheless be incongrous for anybody to determine whether or not there has been procedural regularity in a State legislative action other than the legislature itself.

In *Field* v. *Clark* (143 U.S. 649 (1882)), the Supreme Court held that the procedural requirements of the legislative process were presumed to have been satisfied when legislation was formally certified by the appropriate legislative officer. Rather than intruding Congress or the courts into these matters, there is no reason why this traditional rule ought not continue to apply with respect to convention application actions. There is no compelling reason why article V should require sacrifice by State legislatures of their inherent right to regulate their own proceedings.

Whatever the procedures in the State legislatures, such actions are to be considered valid without the assent of the Governor of the State. Thus, the term "legislatures" in article V is treated in the same manner, for the purposes of convention applications, as it has traditionally been treated for the purposes of amendment ratification, *Hollingworth* v. *Virginia* (3 Dall. 376 (1878)); *Hawke* v. *Smith* (253 U.S. 221 (1920)).

TRANSMISSION OF APPLICATIONS

Section 4 of the act specifies the means by which the States are to transmit their applications for a convention to Congress. Section 4(a) states that, within 30 days of the adoption by a State of an application, the appropriate official is to transmit copies to the President of the Senate and the Speaker of the House of Representatives.

Section 4(b) directs the States to include within their applications: The title of the resolution, the date of adoption, and an official certification. In addition, States are encouraged, but not required, to list in the application other pending State applications which are felt to relate to substantially the same subject. While such a listing is not to be considered conclusive with respect to Congress, it is nevertheless considered that such a listing will be useful to Congress in carrying out it responsibilities in aggregating applications.

Section 4(c) requires each House to establish a public record of each State application, and to notify each State legislature of the fact of each application. Through internal procedures to be determined by each House, Congress would be charged with making an initial decision on whether or not to aggregate applications within the 10-day period following each new application. The criteria would be whether or not the applications referenced the same "general subject or subjects."

These initial decisions, however, would not be binding. Under article V, Congress would not be compelled to make its final decision on aggregation of applications until that point at which it was required to make a decision with respect to an actual convention call. The requirement of an ongoing effort at determining the aggregation question is designed primarily to limit opportunities for political manipulation at this point of the application process, as well as to allow States which are not aggregated in what they consider the proper manner to amend their convention applications.

As observed earlier, it is the objective of the "same general subject or subjects" standard to ensure the exist-

ence of some real consensus among the States with respect to the need for constitutional revision in some relatively circumscribed area. At the same time, in order not to interfere with the legitimate freedom of action of a convention, there ought not to be the requirement of extreme precision, either in the text or the subject-matter. The language contained in the bill is designed to draw some rough balance between these considerations.

In order to ensure that the consensus for a constitutional amendment remains a relatively contemporaneous one, *Dillion* v. *Gloss* (256 U.S. 368 (1921)), section 5(a) states that an application shall be effective for no longer than a 7-year period, with shorter effective periods contained within the body of an application to be respected. The court in Dillion stated that:

> Proposal and ratification are not related as unrelated acts but as succeeding steps in a single endeavor, the natural inference being that they are not to be widely separated in time . . . We do not find anything in article V which suggests that an amendment once proposed is to be open for ratification for all time, or that ratification in some of the states may be separated from that in others by many years and yet be effective.

Similarly, State convention applications and the calling of a constitutional convention are not unrelated acts, but necessary, succeeding steps in a single endeavor. There should be a reasonable relationship in time, between these actions, *Coleman*. v. *Miller*, (307 U.S. 433 (1938)). There is the same need to avoid staleness of applications to Congress as there is to avoid staleness of amendment proposals to the States.

In view of the fact that every amendment proposed by Congress, except one, since the 18th amendment, has contained a 7-year time limitation, either in the body or in the enacting clause, it has been decided to use this same period for determining effectiveness applications.

Language has also been included in this section which maintains the effectiveness, for a minimum of 2 years, of those applications which have been submitted to Congress within the previous 16-year period, notwithstanding the expiration of the regular 7-year period. This provision is designed to ensure that those applications, submitted in recent years which have not had the statutory guidance of procedures legislation, are kept temporarily effective for a short transitional period.

Section 5(b) authorizes States to withdraw their applications at any time prior to the time that there are a sufficient number of valid applications before Congress to enable it to call a convention. There would seem to be no valid policy reason for denying them this right. Indeed, in order to ensure that the amendment process reflects the notion of contemporaneous consensus, it is vital that the States should not be dragooned unwillingly into an artificial consensus because of an inability to rethink earlier application decisions.

CALLING OF THE CONVENTION

Section 6 of the Constitutional Convention Implementation Act relates to the actual calling by Congress of the convention. It provides that, upon receipt in each House of the application putting two-thirds of the States in agreement on the need for some particular amendment or amendments, it is the duty of that House to call for convening of a Federal constitutional convention on the general subject or subjects. Congress is to designate the time and place of the meeting of the convention, and set forth the general subject of the amendment or amendments for consideration. The convention is to be convened not later than 8 months following the adoption by Congress of its resolutions.

Despite some misconceptions on this point, it is obligatory that Congress call a convention upon the receipt of valid applications by two-thirds of the States. Alexander Hamilton observed in the Federalist No. 85 that—

> The national rulers, whenever nine states concur, will have no option upon the subject. By the fifth article of the plan, the Congress will be obliged "on the application of the legislatures of two-thirds of the states to call a convention for proposing amendments" . . . the words of this article are peremptory. The Congress "shall call a convention." Nothing in this particular is left to the discretion of that body.

James Madison, in a 1789 letter, remarked further—

> It is to be observed however that the question concerning a general convention will not belong to the Federal legislature. If two-thirds of the States apply for one, Congress cannot refuse to call it.

CONVENTION DELEGATES

Section 7 relates to the selection of delegates to the constitutional convention. The language is taken nearly verbatim from article II, section 1, paragraph 2 of the Constitution concerning the selection of Presidential electors. The great compromise between the larger and the smaller States is carried over into the selection of convention delegates with each State being entitled to that number of delegates equal to the combined number of its Senators and Representatives in Congress. The States are given a free hand in selecting their delegates in whatever—constitutional—manner they deem appropriate.

If the experience of the electoral college is at all relevent—and I believe that it is—each of the States will no doubt introduce some means of popular election for the delegate positions. I would be personally opposed to any other manner of selection, although I do not believe that it is the business of this body to specify particular procedures for the States.

While there are those who would prefer to see a delegate selection system more precisely based upon population. I see no reason not to extend smaller States that slight disproportionate influence in the proposal of amendments through the convention system that they currently enjoy in the proposal of amendments through the congressional system. The apportionment procedures in section 7 is the method of delegate selection that most closely conforms to the basis for congressional representation and which would most closely align the alternative systems of proposing amendments.

Section 7 also excludes Members of Congress, the very embodiment of the national influence, from serving as convention delegates and confers the same immunity from arrest upon convention delegates, for the duration of the convention, that article I, section 6 of the Constitution confers upon Members of Congress.

CONVENING OF CONVENTION

Section 8 directs each delegate to the convention to subscribe to an oath by which he commits himself, during the conduct of the convention, to comply with the Constitution of the United States.

Administering the oath of office to the delegates would be the senior chief judge of the highest courts of the States. Rather than having the Vice President or Chief Justice of the United States, fill this function, it is my belief that what is basically a State convention should remain that and not run any unnecessary risks, however remote, of being influenced by national officials. I emphasize again the basic purpose of including the convention method of amendment in article V—the need for the States to be able to amend the Constitution in the face of an intransigent National Government.

CONVENTION PROCEDURES

Section 8 states that the convention itself is to have responsibility for drawing up its own rules of procedures, rather than Congress, except that there is to be no unit-rule voting procedures. No Federal funds may be appropriated specifically for the payment of the expenses of the convention, except that the Administrator of the General Services Administration is authorized to provide facilities for the convention, and incur whatever incidental expenses are necessary related to this provision of facilities. At the request of the convention, the Federal Government is also permitted to provide sundry technical information and assistance to the convention.

Section 9 provides that the convention is to maintain a daily verbatim record of the proceedings, analogous to the CONGRESSIONAL RECORD. All records of official proceedings are to be transmitted by the convention to the National Archives within 30 days following termination of the proceedings of

the convention. This section also requires the termination of the convention within 6 months of its convening unless Congress agrees to extend it at the convention's request.

Section 10 again underscores that premise of this act that a limited convention may properly be called. It restates what is already implicit in the act that the convention called under its terms may not propose amendments of a general subject different from that stated in the convention's charter—the resolution approved by Congress. The convention exercises no legitimate governmental authority beyond that granted by the States through Congress. The convention thus is morally obliged to limit its considerations to the subjects set forth in the State applications; I believe further that it is appropriate for Congress to establish a legal obligation to this same effect.

SUBMISSION OF AMENDMENTS TO STATES

Section 11 concerns the procedures through which the convention product is submitted to the States for ratification. Within 30 days after the completion of the convention, its presiding officer is to transmit the exact text of any proposed amendments to Congress. The officers to each House, within 30 more days of continuous session, are to transmit the amendments to the General Services Administration who, in turn, is to submit the amendments to the States. The amendments are to be accompanied by a congressional resolution specifying, pursuant to article V, the model of ratification—whether it is to be ratified by the State legislatures or by special ratifying conventions within each of the States.

Congress may refuse to transmit an amendment and resolution to the States only if it makes the determination that the amendment relates to or includes a general subject which differs from, or was not included as one of the general subjects within the scope of the convention's authority. The objective is to provide some remedy for a failure by the convention to honor the limitations on its authority to propose amendments to the Constitution. Congress has no power whatsoever to refuse to submit an amendment because of disagreement with its substantive merits. Nor is it empowered to refuse to submit an amendment because of what it perceives as procedural irregularities in the proceedings of the convention. Convention procedure is not within the ambit of congressional concern; checks upon procedural abuse must come from the States themselves in the form of the ratification process. Because this check also exists with respect to conventions acting in an ultra vires manner, it is hoped that Congress will resolve any doubts as to whether or not the convention acted within the scope of its authority in favor of an affirmative finding.

RATIFICATION OF AMENDMENTS

Section 12 of the act, borrowing language directly from article V, states simply that amendments proposed by "limited" constitutional conventions are to become part of the Constitution when ratified in accordance with the terms of article V—by three-fourths of the States in a timely and proper manner. Certified copies of the ratification documents are to be forwarded by the States to the General Services Administration, although the ratification itself becomes effective once action is completed within the State legislature, *Dillion* v. *Gloss* (256 U.S. 368, 376 D (1921)).

Section 13 expressly holds that the States are free to reconsider and reverse their ratification decisions, at least until that point at which an amendment has been ratified by three-fourths of the States. Thus, any State may ratify a proposed amendment after having previously rejected it, or may rescind an earlier ratification of a proposed amendment. It is again my view that the most reliable determination of the existence—or lack thereof—of a contemporaneous consensus can be made if the States are free to reconsider and rethink their ratification decisions until that point at which three-fourths of the States are in agreement in support of amendment, or until that point that a reasonable period of time has passed for ratification. My views on the matter of rescission of ratifications are discussed at far greater length in the CONGRESSIONAL RECORD of October 4, 1978, at pages S17043–S17045.

Section 14 imposes upon the General Services Administration the duty to proclaim the final ratification of an amendment once it is in receipt of certifications of ratification from three-fourths of the States. As section 16 clarifies, however, this is an administrative duty of a symbolic nature, not one with an impact upon the actual effectiveness of an amendment. Under article V—and section 16—the amendment becomes part of the Constitution at the moment the final State has ratified, or on any date specified in the body of the amendment itself.

JUDICIAL REVIEW

Finally, section 15 relates to the role of the judicial branch in the constitutional convention process. It establishes two express situations in which an allegedly aggrieved State may bring a direct action in the Supreme Court, pursuant to article III, section 2 of the Constitution. The first involves cases in which a State disputes any determination or finding by Congress, or the failure of Congress to make a determination or finding, with respect to its section 6 responsibilities. Section 6 requires Congress to "call" a convention upon determining the existence of valid applications for such a convention from two-thirds of the States.

The second situation involves cases in which Congress' actions, with respect to its section 11 responsibilities, are questioned. Section 11 requires Congress to submit amendments proposed by the convention to the States unless it determines that the convention acted on subject matter outside the purview of its authority.

Section 15(c) expressly states that these two actions may not be inclusive with respect to the right to a Supreme Court hearing, and that nothing in the act limits the right to judicial review of any other decision made under the act or such review as is otherwise provided by the Constitution or any other law of the United States. Section 15 further requires suit to be brought within 60 days of a claim against the Secretary of the Senate, the Clerk of the House, the General Services Administrator, or any other party as may be necessary to afford the relief sought.

Thus, the act would reject that version of the so-called political questions doctrine that suggests that all interpretative matters deriving from article V are to be resolved by Congress soley at its discretion. I find it ironic that so many individuals who have been so sympathetic to the advance of judicial activism in recent years are also those who would deny the Federal courts, particularly the Supreme Court, their constitutional obligation to interpret the plain language of that document. My views on the political questions doctrine are explained more throughly in the CONGRESSIONAL RECORD of October 4, 1978, at pages S17044–5.

CONCLUSION

Mr. President, the convention method of constitutional amendment has been defended and described as an essential component of our Constitution by such statesmen as James Madison, Alexander Hamilton, George Washington, Benjamin Franklin, and Abraham Lincoln. While no amendment has ever been ratified that has been proposed through this method, it has nevertheless exerted its influence in indirect ways. The 17th amendment to the Constitution, for example—providing for the direct election of U.S. Senators—was proposed by Congress in 1912 in response to an effort in the States to call a convention on this subject. Other convention efforts on such matters as Federal tax limitation and State legislative apportionment have also evoked a significant congressional response. It is clear, too, that the present balanced budget movement is having an impact upon national public policy.

It is necessary in order to insure some measure of symmetry in the alternative amendment processes under article V to establish clearcut procedures for resort to the convention method. While the absence of legislation such as the Constitutional Convention Implementation Act will not preclude the States from exercising

their right to call a convention, it will insure that the amendment process will become bogged down in constant litigation, partisan political decisions, and constitutional uncertainty. The effect on this can only be to undermine the integrity of our constitutional system. In the process, also, we will erode one of the basic institutions for preserving some semblance of balance between the national and the State governments. As observed by Alexander Hamilton:

> The most powerful obstacle to the members of Congress betraying the interest of their constituents is the State legislatures themselves, who will be standing bodies of observation, possessing the confidence of the people, jealous of Federal encroachments and armed with every power to check the first essarys at treachery.

While there is not one who respects more than I do the achievement of the Founding Fathers, nor anyone who would place a greater burden of proof upon those who propose to alter the Constitution, I would nevertheless agree with Prof. Malcolm Eiselen who stated:

> To assume, as many apparently do, that a second convention could alter the Constitution only for the worse . . . is an unwarrantable libel upon the creative statesmanship and political sagacity of the American people.

The purpose of the Constitutional Convention Implementation Act is to prevent both Congress and the constitutional convention from acting outside the scope of each of their proper authority. It is designed to insure that the States, in the event that Congress remains intransigent with respect to some issue of constitutional controversy, are able to circumvent Congress and act on their own to remedy such a situation. It is designed also to insure that the States—and Congress—are not forced to surrender totally their sovereignty to the convention. It is designed to insure that the same matrix of constitutional checks and balances is applicable to the constitutional convention as to the other permanent institutions within our governmental system.

There can be no runaway convention unless, ultimately, the dissatisfaction of the people are so broad and pervasive that it is a runaway convention that they expressly desire. The best way that Congress can work to insure that this never becomes the case is to allow the people and the States to work their will under established procedures when their grievances are more narrow and more limited, rather than allowing them to fester as a result of contrived procedural irregularities. It is occasionally sobering to some of my colleagues, yet it is true, that ultimately it is the citizenry, not Congress, that is the responsible party in our political system.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD, immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 214

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Constitutional Convention Implementation Act of 1991".

APPLICATIONS FOR CONSTITUTIONAL CONVENTION

SEC. 2. (a) The legislature of a State, in making application to the Congress for a constitutional convention under article V of the Constitution of the United States, for the purpose of proposing one or more specific amendments, shall adopt a resolution pursuant to this Act stating, in substance, that the legislature requests the calling of a convention for the purpose of proposing one or more specific amendments to the Constituton of the United States and stating the subject matter of the amendment or amendments to be proposed.

(b) The procedures provided by this Act are required to be used whenever application is made to the Congress, under article V of the Constitution of the United States, for the calling of any convention for the purposes of proposing one or more specific amendments to the Constitution of the United States, each applying State stating in the terms of its application the subject matter of the amendment or amendments to be proposed. This Act is not intended to apply to applications requesting a convention for any other purpose under article V of the Constitution.

APPLICATION PROCEDURE

SEC. 3. (a) The rules of procedure governing the adoption or withdrawal of a resolution pursuant to section 2 and section 5 of this Act are determinable by the State legislature, except that the assent of the Governor as to any application or withdrawal shall be unnecessary.

(b) Questions concerning compliance with the rules governing the adoption or withdrawal of a State resolution cognizable under this Act are determinable by the State legislature, except that questions concerning the fact of final approval of such resolution by no less than a majority vote of each House of such legislature shall be determinable by the Congress of the United States.

TRANSMITTAL OF APPLICATIONS

SEC. 4. (a) Within thirty days after the effective date of the resolution adopted by the legislature of a State calling for a constitutional convention, the secretary of state of the State, or, if there be no such officer, the person who is charged by the State law with such function, shall transmit to the Congress of the United States two copies of the application, one addressed to the President of the Senate and one to the Speaker of the House of Representatives.

(b) Each copy of the application so made by any State shall contain—

(1) the title of the resolution, the exact text of the resolution signed by the presiding officer of each house of the State legislature, the date on which the legislature adopted the resolution, and a certificate of the secretary of state of the State, or such other person as is charged by the State law with such function, certifying that the application accurately sets forth the text of the resolution; and

(2) to the extent practicable, and if desired, a list of all State applications in effect on the date of adoption whose subject matter are substantially the same as the subject matter set forth in the application.

(c) Within ten days after receipt of a copy of any such application, the President of the Senate and Speaker of the House of Representatives shall report to the House of which he is presiding officer, identifying the State making application, the subject matter of the application, and the number of States then having made application on such subject. The President of the Senate and Speaker of the House of Representatives shall jointly cause copies of such application to be sent to the presiding officer of each house of the legislature of every other State and to each Member of the Senate and House of Representatives of the Congress of the United States.

EFFECTIVE PERIOD OF APPLICATION

SEC. 5. (a) An application submitted to the Congress by a State, unless sooner withdrawn by the State legislature, shall remain effective for the lesser of the period specified in such application by the State legislature or for a period of seven calendar years after the date it is received by the Congress, except that whenever within a period of seven calendar years two-thirds or more of the several States have each submitted an application calling for a constitutional convention on the same subject matter all such applications shall remain in effect until the Congress has taken action on a concurrent resolution, pursuant to section 6 of this Act, calling for a constitutional convention: *Provided, however,* That those applications which have not been before the Congress for more than sixteen years on the effective date of this Act shall be effective for a period of not less than two years.

(b) A State may withdraw its application calling for a constitutional convention by adopting and transmitting to the Congress a resolution of withdrawal in conformity with the procedures specified in sections 3 and 4 of this Act, except that no such withdrawal shall be effective as to any valid application made for a constitutional convention upon any subject after the date on which two-thirds or more of the State legislatures have valid applications pending before the Congress seeking amendments on the same subject matter.

CALLING OF A CONSTITUTIONAL CONVENTION

SEC. 6. (a) It shall be the duty of the Secretary of the Senate and the Clerk of the House of Representatives to maintain a record of all applications received by the President of the Senate and Speaker of the House of Representatives from States for the calling of a constitutional convention upon each subject matter. Whenever applications made by two-thirds or more of the States with respect to the same subject matter have been received, the Secretary and the Clerk shall so report within five days, in writing to the officer to whom those applications were transmitted, and such officer, no later than the fifth day subsequent to the receipt of such report during which the House of which he is an officer is in session, shall announce its substance on the floor of such House. It shall then be the duty of such House to determine whether there are in effect valid applications made by two-thirds of the States with respect to the same subject matter. If either House of the Congress determines, upon a consideration of any such report or of a concurrent resolution agreed to by the other House of the Congress, that there are in effect valid applications made by two-thirds or more of the States for the calling of

a constitutional convention upon the same subject matter, it shall be the duty of that House, within forty-five calendar days following the day on which the report of the Clerk or the Secretary was announced on the floor of that House, to agree to a concurrent resolution calling for the convening of a Federal constitutional convention upon that subject matter. Each such concurrent resolution shall (1) designate the place and time of meeting of the convention, and (2) set forth the subject matter of the amendment or amendments for the consideration of which the convention is called. A copy of each such concurrent resolution agreed to by both Houses of the Congress shall be transmitted forthwith to the Governor and to the presiding officer of each house of the legislature of each State.

(b) The convention shall be convened not later than eight months after adoption of the resolution.

DELEGATES

SEC. 7. (a) In each State two delegates shall be elected on an at-large basis and one delegate shall be elected from each congressional district in the manner provided by State law. No Senator or Representative, or person holding an office of trust or profit under the United States, shall be elected as delegate. Any vacancy occurring in a State delegation shall be filled by appointment of the legislature of that State.

(b) The secretary of state of each State, or, if there be no such officer, the person charged by State law to perform such function, shall certify to the President of the Senate and the Speaker of the House of Representatives the name of each delegate elected or appointed by the legislature of the State pursuant to this section.

(c) The people of the District of Columbia shall elect as many delegates as the whole number of Senators and Representatives to which said District would be entitled in the Congress if it were a State. Any vacancy occurring in the delegation of the District of Columbia shall be filled by appointment of the District of Columbia Council. The Clerk of the District of Columbia Council shall certify to the President of the Senate and the Speaker of the House of Representatives the name of each delegate elected or appointed by the Council pursuant to this section.

(d) Delegates shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at a session of the convention, and in going to and returning from the same; and for any speech or debate in the convention they shall not be questioned in any other place.

CONVENING THE CONVENTION

SEC. 8. (a) The President pro tempore of the United States Senate and the Speaker of the United States House of Representatives shall jointly convene the constitutional convention. They shall administer the oath of office to the delegates to the convention and shall preside until the delegates elect a presiding officer who shall preside thereafter. Before taking his seat each delegate shall subscribe to an oath by which he shall be committed during the conduct of the convention to comply with the Constitution of the United States. Further proceedings of the convention shall be conducted in accordance with such rules, not inconsistent with this Act, as the convention may adopt by vote of three-fifths of the number of delegates who have subscribed to the oath of office.

(b) There is hereby authorized to be appropriated such sums as may be necessary for the payment of the expenses of the convention, including payment to each delegate of an amount of pay equal to that for Members of Congress prorated for the term of the convention, as well as necessary travel expenses for such delegates. In the event that such sums are not appropriated in a timely manner, or are appropriated subject to additional conditions, the convention shall be authorized to apportion its costs among the States.

(c) The Administrator of General Services shall provide such facilities, and the Congress and each executive department, agency, or authority of the United States shall provide such information and assistance as the convention may require, upon written request made by the elected presiding officer of the convention.

PROCEDURES OF THE CONVENTION

SEC. 9. (a) In voting on any question before the convention, including the proposal of amendments, each delegate shall have one vote.

(b) The convention shall keep a daily verbatim record of its proceedings and publish the same. The vote of the delegates on any question shall be entered on the record.

(c) The convention shall terminate its proceedings within six months after convening unless the period is extended by concurrent resolution of the Congress of the United States upon request from the convention.

(d) Within thirty days after the termination of the proceedings of the convention, the presiding officer shall transmit to the Archivist of the United States all records of official proceedings of the convention.

PROPOSAL OF AMENDMENTS

SEC. 10. No convention called under this Act may propose any amendment or amendments of a subject matter different from that stated in the concurrent resolution calling the convention.

APPROVAL BY THE CONGRESS AND TRANSMITTAL TO THE STATES FOR RATIFICATION

SEC. 11. (a) The presiding officer of the convention shall, within thirty days after the termination of its proceedings, submit to the Congress the exact text of any amendment or amendments agreed upon by the convention.

(b) Whenever a constitutional convention called under this Act has transmitted to the Congress a proposed amendment to the Constitution, the Congress shall in as expeditious a manner as possible, but in any case within six months thereafter, adopt a concurrent resolution—

(i) directing the Administrator of General Services to transmit forthwith to each of the several States a duly certified copy thereof, and a copy of any concurrent resolution agreed to by both Houses of Congress which prescribes the mode in which such amendment shall be ratified and the time within which such amendment shall be ratified in the event that the amendment itself contains no such provision. In no case shall such a resolution prescribe a period for ratification of less than four years; or

(ii) stating that the Congress does not direct the submission of such proposed amendment to the States because such proposed amendment relates to or includes subject matter which differs from or was not included in the subject matter named or described in the concurrent resolution of the Congress by which the convention was called.

(c) In the event that the Congress has not passed a concurrent resolution under subsection (b)(i) within the time prescribed therein, during the thirty days following any State may commence an action under section 15 of this Act seeking a declaration that the proposed amendment is consistent with the concurrent resolution by the Congress by which the convention was called and directing its submission to the States for ratification.

(d) Notwithstanding the issuance of such order, the mandate of the Court shall not issue prior to the expiration of the first period of thirty days following the date on which such order is issued. Congress may during such thirty-day period, adopt a concurrent resolution prescribing the mode in which such amendment shall be ratified, and the time within which the amendment shall be ratified in the event that the amendment itself contains no such provision. In no case shall such a resolution prescribe a period for ratification of less than four years.

(e) In the event that the Congress has not adopted a concurrent resolution under subsection (d) within the time prescribed therein, the mandate for such order shall issue forthwith. The mode for ratification in such case shall be by action of the legislatures of three-fourths of the States within a period of seven years, unless the amendment itself contains a different period.

RATIFICATION OF PROPOSED AMENDMENTS

SEC. 12. (a) Any amendment proposed by the convention and submitted to the States in accordance with the provisions of this Act shall be valid for all intents and purposes as part of the Constitution of the United States when duly ratified by three-fourths of the States in the manner and within the time specified consistent with the provisions of article V of the Constitution of the United States.

(b) The secretary of state of the State, or if there be no such officer, the person who is charged by State law with such function, shall transmit a certified copy of the State action ratifying any proposed amendment to the Administrator of General Services.

RESCISSION OF RATIFICATIONS

SEC. 13. (a) Any State may rescind its ratification of a proposed amendment by the same procedures by which it ratified the proposed amendment, unless other procedures are specified by such State, except that no State may rescind when there are existing valid ratifications of such amendment by three-fourths of the States.

(b) Any State may ratify a proposed amendment even though it previously may have rejected the same proposal or may have rescinded a prior ratification thereof.

PROCLAMATION OF CONSTITUTIONAL AMENDMENTS

SEC. 14. The Administrator of General Services, when three-fourths of the several States have ratified a proposed amendment to the Constitution of the United States, shall issue a proclamation that the amendment is a part of the Constitution of the United States.

JUDICIAL REVIEW

SEC. 15. (a) Any State aggrieved by any determination or finding, or by any failure of Congress to make a determination or finding within the periods provided, under section 6 or section 11 of this Act may bring an action in the Supreme Court of the United States against the Secretary of the Senate and the Clerk of the House of Representatives or, where appropriate, the Administrator of General Services, and such other parties as may be necessary to afford the relief sought. Such an action shall be given priority on the Court's docket.

(b) Every claim arising under this Act shall be barred unless suit is filed thereon

within sixty days after such claim first arises.

(c) The right to review by the Supreme Court provided under subsection (a) does not limit or restrict the right to judicial review of any other determination or decision made under this Act or such review as is otherwise provided by the Constitution or any other law of the United States.

EFFECTIVE DATE OF AMENDMENTS

SEC. 16. An amendment proposed to the Constitution of the United States shall be effective from the date specified therein or, if no date is specified, then one year after the date on which the last State necessary to constitute three-fourths of the States of the United States, as provided for in article V, has ratified the same.

SEVERABILITY

SEC. 17. In the event that any part of this Act be held unconstitutional, the same shall not necessarily affect the validity of other sections of this Act.

By Mr. JOHNSTON (for himself, Mr. WALLOP, Mr. BINGAMAN, Mr. WIRTH, Mr. CONRAD, and Mr. DOMENICI):

S. 215. A bill to amend the Internal Revenue Code of 1986 to impose a fee on the importation of crude oil or refined petroleum products; to the Committee on Finance.

ENERGY SECURITY ACT

• Mr. JOHNSTON. Mr. President, today I am joining with Senators WALLOP, BINGAMAN, WIRTH, CONRAD and DOMENICI in introducing the Energy Security Tax Act to establish a variable fee on crude oil imports. The fee would be phased in whenever the price of internationally traded oil drops below $20 per barrel and would equal the difference between $20 the existing world market price. The bill provides an additional differential of $2.50 per barrel for product imports and petrochemical feedstocks, creating a floor price of $22.50 for those products.

In today's market the oil import fee would not be collected at all. But at a world price of $18 per barrel of oil, for example, this fee would raise approximately $6 billion in revenues.

More importantly, the fee would ensure the viability and vitality of our domestic petroleum industry and reduce our ever growing reliance on foreign oil.

The biggest reason today's higher oil prices are not producing a commensurate level of new activity in the oil patch is the widely perceived fear that prices will gyrate back down to very low levels, perhaps as low as single digits.

An oil import fee to help maintain a reasonable floor price for oil would give assurance to those who would drill for oil, and those who would lend them money to drill, that they will have some downside protection against that.

It is a way to provide a vast amount of incentive—in the form of longer term stability in oil pricing—and do so free of charge.

Mr. President, during 1990, our nation imported 7.957 million barrels per day (mmb/d). This amounted to 46.9 percent of domestic deliveries. Prior to Iraq's invasion of Kuwait, 50 percent of these imports came from OPEC nations, with 25 percent coming from the Persian Gulf.

Yet, at the same time, our domestic production declined in 1990 to 7.282 MMB/D, its lowest level in almost 30 years. The 1990 level represented a 5 percent decrease from domestic production in 1989, a substantial drop.

According to the Energy Information Administration, U.S. energy consumption in 1989 was 81.281 quads, the highest level ever. Consumption of petroleum products during the first 10 months of 1990 averaged 16.936 MMB/D.

Moreover, the price of oil has been far from stable. Oil prices hit a low of $10 in 1986, and soared to over $40 on October 9, 1990. This instability creates a very difficult environment for the domestic industry. Our domestic oil industry needs certainty and predictability.

On January 10, 1989, President Reagan approved a finding, pursuant to the Trade Expansion Act of 1962, that petroleum imports threaten to impair our national security. A Department of Commerce investigation had found that maintenance of U.S. access to sufficient supplies of petroleum is essential to our economic security, foreign policy flexibility, and defense preparedness. Yet, our nation did little to address this situation.

Unfortunately, Saddam Hussein has made tragically clear the importance of oil to our national security. However, we have the means to preserve the domestic oil industry and to assure that our vital interests are not again endangered by reliance on oil from the Middle East.

We must act, and we must act now. I believe one of the most effective remedies is an oil import fee, such as that provided for by the bill I am introducing today.

Mr. President, I urge my colleagues in cosponsoring this legislation. I ask unanimous consent that the text of the bill appear at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 215

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Energy Security Tax Act".

SEC. 2. FEE ON IMPORTED CRUDE OIL OR REFINED PETROLEUM PRODUCTS.

(a) IN GENERAL.—Subtitle E of the Internal Revenue Code of 1986 (relating to alcohol, tobacco, and certain other excise taxes) is amended by adding at the end thereof the following new chapter:

"CHAPTER 55—IMPORTED CRUDE OIL, REFINED PETROLEUM PRODUCTS, AND PETROCHEMICAL FEEDSTOCKS OR DERIVATIVES

"Sec. 5886. Imposition of tax.
"Sec. 5887. Definitions.
"Sec. 5888. Registration.
"Sec. 5889. Procedures; returns; penalties.

"SEC. 5886. IMPOSITION OF TAX.

"(a) IMPOSITION OF TAX.—In addition to any other tax imposed under this title, an excise tax is hereby imposed on—

"(1) the first sale within the United States of—

"(A) any crude oil,

"(B) any refined petroleum product, or

"(C) any petrochemical feedstock or petrochemical derivative,

that has been imported into the United States, and

"(2) the use within the United States of—

"(A) any crude oil,

"(B) any refined petroleum product, or

"(C) any petrochemical feedstock or petrochemical derivative, that has been imported into the United States if no tax has been imposed with respect to such crude oil or refined petroleum product prior to such use.

"(b) RATE OF TAX.—

"(1) CRUDE OIL.—For purposes of paragraphs (1)(A) and (2)(A) of subsection (a) the rate of tax shall be the excess, if any, of—

"(A) $20 per barrel, over

"(B) the most recently published average price of a barrel of internationally traded oil.

"(2) REFINED PETROLEUM PRODUCT.—For purposes of paragraphs (1)(B) and (2)(B) of subsection (a), the rate of tax shall be the excess, if any, of—

"(A) $22.50 per barrel, over

"(B) the most recently published average price of a barrel of internationally traded oil.

"(3) PETROCHEMICAL FEEDSTOCK OR PETROCHEMICAL DERIVATIVE.—For purposes of paragraphs (1)(C) and (2)(C) of subsection (a), the rate of tax shall be equal to the rate of tax determined under paragraph (2) of this subsection, except that 'barrel equivalent of crude oil feedstocks used in the manufacture of such petrochemical feedstocks or petrochemical derivative' shall be substituted for 'barrel' in paragraph (2)(A) of this subsection.

"(4) FRACTIONAL PARTS OF BARRELS.—In the case of a fraction of a barrel, the tax imposed by subsection (a) shall be the same fraction of the amount of such tax imposed on the whole barrel.

"(c) DETERMINATION OF AVERAGE PRICE.—

"(1) IN GENERAL.—For purposes of this section, the average price of internationally traded oil with respect to any week during which the tax under subsection (a) is imposed shall be determined by the Secretary and published in the Federal Register on the first day of such week.

"(2) BASIS OF DETERMINATION.—For purposes of paragraph (1), the Secretary, after consultation with the Administrator of the Energy Information Administration of the Department of Energy, shall determine the average price of internationally traded oil for the preceding 4 weeks, pursuant to the formula for determining such international price as is used in publishing the Weekly Petroleum Status Report and as is in effect on the date of enactment of this section.

"(d) LIABILITY FOR PAYMENT OF TAX.—

"(1) SALES.—The taxes imposed by subsection (a)(1) shall be paid by the first person who sells the crude oil, refined petroleum product, petrochemical feedstock, or petro-

chemical derivative within the United States.

"(2) USE.—The taxes imposed by subsection (a)(2) shall be paid by the person who uses the crude oil, refined petroleum product, petrochemical feedstock, or petrochemical derivative.

"SEC. 5887. DEFINITIONS.

"For purposes of this chapter—

"(1) CRUDE OIL.—The term 'crude oil' means crude oil other than crude oil produced from a well located in the United States or a possession of the United States.

"(2) BARREL.—The term 'barrel' means 42 United States gallons.

"(3) REFINED PETROLEUM PRODUCT.—The term 'refined petroleum product' shall have the same meaning given to such term by section 3(5) of the Emergency Petroleum Allocation Act of 1973 (15 U.S.C. 752(5)).

"(4) EXPORT.—The terms 'export' and 'exported' include shipment to a possession of the United States.

"SEC. 5888. REGISTRATION.

"Every person subject to tax under section 5886 shall, before incurring any liability for tax under such section, register with the Secretary.

"SEC. 5889. PROCEDURES; RETURNS; PENALTIES.

"For purposes of this title, any reference to the tax imposed by section 5886 shall be treated, except to the extent provided by the Secretary by regulation where such treatment would be inappropriate, in the same manner as the tax imposed by section 4986 was treated immediately before its repeal by the Omnibus Trade and Competitiveness Act of 1988.".

"(b) CONFORMING AMENDMENT.—The table of chapters for subtitle E is amended by adding at the end thereof the following new item:

"CHAPTER 55. Imported crude oil, refined petroleum products, and petrochemical feedstocks or derivatives.".

"(c) DEDUCTIBILITY OF IMPORTED OIL TAX.—The first sentence of section 164(a) (relating to deductions for taxes) is amended by inserting after paragraph (5) the following new paragraph:

"(6) The imported oil tax imposed by section 5886.".

"(d) EFFECTIVE DATE.—The amendments made by this action shall apply with respect to sales and uses of imported crude oil, imported refined petroleum products, petrochemical feedstocks, or petrochemical derivatives on or after the date of enactment of this Act.•

Mr. WALLOP. Mr. President, I am pleased to join with the chairman of the Committee on Energy and Natural Resources, Mr. JOHNSTON, in introducing the Energy Security Tax Act, which will help improve our energy security by stimulating domestic crude oil production.

There is no question that we must take very step possible to encourage all forms of domestic energy production, particularly oil. As we are all too aware, today in the Persian Gulf there are roughly one-half million United States and allied troops standing ready to defend against the Iraqi aggression which threatens one-third of the world's oil supply and two-thirds of the world's proven oil reserves.

It is sadly ironic that many of those who oppose our defense of Kuwait and Saudi Arabia from Iraqi aggression are also opposed to taking those actions necessary to reduce our foreign energy dependence, such as is proposed by this bill.

If we are ever to reduce our dependence on foreign oil and insulate ourselves from supply interruptions, we must take affirmative action, not just simply wait and hope. Delay can only result in reduced domestic production and increased imports.

Day-by-day domestic oil production declines. Since the 1973 Arab oil embargo, total U.S. crude oil production has fallen by nearly 2 million barrels per day, a 20-percent decline, and lower-48 production has fallen by a staggering 40 percent. Just over the past 12 months, U.S. production has fallen by 5 percent. The United Statesd now produces less crude oil than we did back in 1962.

The dramtic fall in drilling over the past decade portends an even more significant production decline in the future as older wells begin to play out. From an all-time high rig count of 3,970 in 1981, only 984 rigs were in operation last year, a 75-percent decline. It is not surprising that U.S. proven reserves of crude oil fallen by more than 10 percent over the past decade.

Despite the decline in domestic production, we consume about as much oil as we did in 1973. This translates into growing foreign oil dependence: from one-third in 1973 to nearly half today. Moreover, most analysts predict that by the year 2000 our foreign dependency will reach at least two-thirds, if not more.

Not only does our foreign oil dependence jeopardize our energy security, it also threatens our economic well being. We must not forget the economic stagnation, the high unemployment rates, the double-digit inflation and the soaring interest rates that accompanied the oil shortages brought about by the 1973 and 1979 international supply disruptions. Nor should we lose sight of the fact that we spend more than $150 million every single day on imported energy—$60 billion per year—and that outflow is a very significant drag on our economy. If we had consumed domestically produced energy instead of imported energy, over the past decade we would have saved our economy $555 billion, wiping out two-thirds of our balance of trade deficit. As a result, the dollar would have been stronger, interest rates would have been lower, our deficit would have been smaller and our economy would have been stronger. I ask: Can we really afford to spend this amount on foreign-produced energy?

I am very pleased and encouraged that the administration has undertaken the herculean task of formulating a national energy strategy, and it is my hope—and expectation—that it will soon be completed and transmitted to Congress. That is why on January 9, 1991, Senator JOHNSTON and I wrote to President Bush urging that he submit to Congress the administration's national energy strategy proposal at the earliest possible date. I ask unanimous consent that this letter be printed in the RECORD at the end of of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WALLOP. Mr. President, the legislation I am today introducing along with Senator JOHNSTON addresses a key problem facing oil producers: Market stability. If enacted, this legislation would help shield U.S. production and producers from the classic tactic of those who seek to monopolize a market: Driving out competitors and eliminating competition by selling far below production cost.

The bill would do so by imposing an excise tax on imports in an amount equal to the difference between a base price and the average international sales price. The base price would be $20 per barrel for crude oil and $22.50 for refined petroleum products, petrochemical feedstocks and derivatives. It would not, I repeat would not, impose price controls. Importers, refiners and producers would be free to sell their oil at whatever price they were able to obtain in the market.

Because of the massive expenditures necessary to bring new supplies of oil on line, some modicum of market stability is necessary and appropriate if we expect domestic producers to undertake exploration for and development of new oil supplies. For example, it costs on average $300,000 to drill an oil well, but only 2 out of 10 new field wildcats and exploratory wells prove out.

Price expectations are also particularly critical for retaining marginal wells, which account for 15 percent of U.S. oil production. The United States has more than 450,000 stripper wells, which on average produce less than three barrels per day. As a point of reference, contrast that with Saudi Arabia's 588 oil wells, which produce an average of 10,000 barrels per day each. Is it any surprise that Persian Gulf producers are able to withstand price falls that bankrupt domestic producers? Once a marginal oil well becomes uneconomic to produce it is plugged and abandoned, and will never produce again regardless of how high oil prices go in the future. It is for these marginal wells that the price stability afforded by this legislation is critical. This is particularly important in light of the Department of Energy's recent assessment that shortly after the year 2000 between 60 and 70 percent of the Nation's remaining oil reserves in the lower 48 States could be shut-in and lost forever if today's rate of abandonment is not reversed.

In this connection, it is important to note that this bill would also help defend alternative and experimental energy sources—solar photovoltaic and oil shale, for example—from the ravages of wild price fluctuations, just as it will help promote conservation for the same reason.

Now, if the international price of oil were established solely through the free market forces of supply and demand without manipulation, there would be little need or justification for this legislation; but it is not. The vast majority of the world's oil supply is produced by government-owned oil companies. OPEC is a consortium of producing countries, not producing companies, and the world's largest producer of oil is the Government of the Soviet Union.

We have all seen stories on the nightly news of OPEC's quarterly and emergency meetings, where they decide to raise or lower production because the actual market price of oil is different from their target price. And who can forget that the 1973 oil shortage was intentionally created by Middle Eastern governments as a result of the Arab-Israeli war. Nor can producers forget that the major oil price decline in 1986 was the result of intentional flooding of the marketplace by OPEC producers in order to extinguish marginal production and alternative fuels. And once having done so, they tightened supply in order to enjoy the fruit of their efforts.

Now some will argue that this legislation will hurt consumers, but the truth of the matter is exactly the opposite. Promoting domestic oil production will result in the replacement of insecure supplies of foreign-produced oil with stable supplies of domestically produced oil, thereby assuring consumers reliable supply at reasonable prices. This legislation should be considered to be an insurance policy against future efforts by foreign producers to manipulate price and supply.

As policymakers, the Congress is responsible to looking at the long-term needs of our people and economy, not just at what is cheapest today. Our long-term economic growth rests on the three legs of the energy stool: adequate supplies, reasonable prices, and market stability. Take away any one and our economy falls.

No commodity is more essential to a modern society than is energy; it is an essential element of the fabric of our society just as it is a principle ingredient in all manufacturing processes. Yet it is taken for granted—at least until we are told we will have to do with less. The 1973 Arab oil embargo and 1979 Iranian revolution brought that point home all too painfully. Unless we take action now, the next shortfall will have no less political, social and economic damage than the two during the 1970's, and given our growing foreign dependence it will likely be far worse.

It is in order to prevent that from occurring that I am today pleased to cosponsor this legislation. I hasten to note, however, that this bill alone does not constitute an energy policy. It is but one part of a much more comprehensive package that both the administrative and Congress is now working on to promote the production of all forms of energy—oil, natural gas, coal, nuclear and coal-fired electricity, hydroelectric power, renewable resources, as well as others.

We now face a choice. We can act to help protect our future, or we can do nothing and place our energy and economic well being in the hands of foreign producers who have already demonstrated that they have their interest, not ours, in mind, I choose the former, and I urge my colleagues to do likewise.

Mr. President, it is for these reasons that I am today cosponsoring this legislation and am urging my colleagues to do likewise.

EXHIBIT 1

U.S. SENATE, COMMITTEE ON ENERGY AND NATURAL RESOURCES, WASHINGTON DC., JANUARY 9, 1991.

The PRESIDENT,
The White House, Washington, DC

DEAR MR. PRESIDENT: We have watched with interest and anticipation the process that has been underway at the Department of Energy for the last two years to develop a national energy strategy (NES). Extensive effort and resources have been expended by Administration officials, representatives of affected constituencies, and members of the public in seeking to formulate the NES. We applaud the progress thus far.

However, we are concerned that presentation of the NES to the 102nd Congress and the Nation is in danger of being delayed for several months. Action at this time, we believe, is a necessity.

Legislative proposals and Congressional debate on this subject are at this time both important and inevitable. We intend to be very active in this debate and to urge consideration of legislation to address oil import dependence. The Secretary of Energy has asked that we withhold introduction of our own legislative proposals until after you transmit your budget for fiscal year 1992. We have agreed to do so.

Certainly, it is in the public interest for the Administration to be a full participant in this process. The Administration should be playing a leading role in helping to frame the energy debate in the Congress and the nation and in devising appropriate legislation. We, therefore, strongly urge you to personally take whatever actions are necessary to bring the NES to fruition at the earliest possible date. We, of course, stand ready to assist you and the Secretary of Energy in this effort.

Surely, now is the time to put forth our best proposals to address a dependence on imported oil that has led us to the brink of war. We have the attention of the American people. They expect intelligent, decisive action. With your leadership we can meet that expectation.

Sincerely,

MALCOLM WALLOP,
Ranking Minority Member.
J. BENNETT JOHNSTON,
Chairman.

• Mr. BINGAMAN. Mr. President, I am pleased to join my distinguished colleague, Senator JOHNSTON, in introducing the Energy Security Tax Act. This bill will help address the turbulent volatilty of crude oil pricing and ensure the continued viability of our domestic oil industry.

That volatility is reflected in the wide swing of crude oil prices from a low of $10/barrel in 1986 to a high over $40/barel in October 1990. This instability leads to uncertainty and unpredictability.

BACKGROUND

We must discard once and for all the myth that free trade in oil is possible and that market forces will tell us what mix of energy supplies is in our national best interest. The cold hard fact is that OPEC controls over 75 percent of world oil reserves. Saudi Arabia alone accounts for almost 26 percent of world reserves. Iraq, occupied Kuwait and Iran account for 29 percent of world reserves. The bottom line is that other governments, some of whom are openly hostile to the United States, and many of whom lie in highly unstable regions of the globe, control a significant portion of our oil supply and can dictate the price that we will pay for oil. They can bleed us by raising the price and can turn around and keep us dependent by lowering the price. Do we want to bet our future on the hope that we will remain in the good graces of such governments? I don't think so. We must assure that our vital interests are never again threatened by reliance on oil from the Middle East.

The answer is to institute a variable fee on crude oil imports. Even at today's prices, investors are reluctant to commit capital to the development of domestic oil and gas or the development of alternatives to oil for fear that oil prices will retreat as quickly as they have risen. An oil import fee or mechanism to stabilize the price of imported oil will restore the stability that is necessary to revive our domestic oil and gas industry and to launch the alternative fuels industry.

LEGISLATION

The legislation we introduce today would impose a fee on imports of crude oil, refined petroleum products, petrochemicals, and petrochemical derivatives. The fee on crude oil would be the difference between $20 and the price per barrel of internationally traded oil, with the fee staying in place until the price of oil reaches $20. The bill provides an additional differential of $2.50 per barrel of product imports and petrochemical feed stocks.

CONCLUSION

Regardless of the outcome of the current conflict in the Persian Gulf, we have learned that we must have a na-

tional energy policy that lets us reduce our dependency on foreign oil and provides a stable supply of reasonably priced energy.

The centerpiece of that policy must be action to help maintain a reasonable floor price for oil. This legislation would accomplish that goal.

I ask my colleagues to support this important legislation.●

By Mr. HOLLINGS (for himself, Mr. DANFORTH, Mr. INOUYE, Mr. FORD, Mr. GORE, Mr. BREAUX, Mr. ROBB, Mr. GORTON, and Mr. WIRTH):

S. 217. A bill to clarify the congressional intent concerning, and to codify, certain requirements of the Communications Act of 1934 that ensure that broadcasters afford reasonable opportunity for the discussion of conflicting views on issues of public importance; to the Committee on Commerce, Science, and Transportation.

FAIRNESS IN BROADCASTING ACT

● Mr. HOLLINGS. Mr. President, today I am introducing the Fairness in Broadcasting Act of 1991. This legislation reinstates a 50 year-old policy upholding the important notion that the public, not private interests, owns the broadcast airwaves—a policy which is the basis for the entire broadcast regulatory scheme, a scheme which broadcasters themselves asked us to create. This policy, the fairness doctrine, is critical to the continued promotion of the public interest in broadcasting.

The fairness doctrine evolved out of the basic premise that broadcasters are licensed to serve the public interest. This regulation was the direct result of the scarcity of the electromagnetic spectrum and the limited number of broadcast channels in each market, as well as the lack of competition to the broadcasters. Because it is impossible to provide channels to everyone that would like to operate a broadcast station, those who have the privilege of being assigned a channel have special obligations to operate as public trustees.

First instituted in 1949 by the Federal Communications Commission [FCC], the fairness doctrine furthered the public interest goal of ensuring that a diversity of viewpoints is presented over the nation's airwaves. It enabled speakers other than station owners to present their views on controversial issues. At the same time, the fairness doctrine imposed a de minimus burden on broadcasters. We now have evidence that many broadcasters who opposed the fairness doctrine believe that the doctrine never caused them any problems in the past. The fairness doctrine gives broadcasters great flexibility and discretion in fulfilling its requirements. In other words, the fairness doctrine does not require that broadcasters provide every side of an issue with the exact amount of time in precisely the same period. Instead, broadcasters simply must ensure that their programming taken as a whole presents issues of public importance and does so in a balanced fashion.

The need for the fairness doctrine has been demonstrated recently by efforts of public interest groups to gain access to broadcast stations to present viewpoints in opposition to the impending war in the Persian Gulf. Everyday the airwaves are filled with the voices of those who believe that we should go to war to protect Kuwait. However, there are members of the viewing public who feel that there is not sufficient coverage of the views of those opposed to the war. While I will not conclude here today whether their views are accurate, they should have some recourse to ensure that all viewpoints are heard. Without the fairness doctrine, they have no recourse.

In its decision repealing the fairness doctrine, the FCC asserted that: First, the electromagnetic spectrum is no longer scarce; second, the increase in the number of broadcast stations and other media outlets has changed significantly the media marketplace; and third, the fairness doctrine has a chilling effect on broadcasters.

The evidence does not support the FCC's conclusion. The contention that the spectrum is no longer scarce is utterly baseless. The greatest battles at the FCC take place over spectrum, because it is in such short supply. Today, people are clamoring for new spectrum. In recent years there has been a significant increase in the demand for available spectrum. In fact, my colleague Senator INOUYE and Congressman DINGELL are each introducing legislation today in their respective Houses intended to free up more spectrum for new technologies. The support for this bill, which passed the House last year, indicates that Congress recognizes that the Nation is suffering a severe shortage of frequencies. The additional spectrum to be made available by that legislation does not mean that there will soon be a glut of frequencies. It is estimated that these new frequencies will be completely allocated in the next 15 years.

Moreover, with the advent of high-definition television [HDTV] the broadcasters are concerned about the availability of spectrum for their uses and now assert that the spectrum is scarce. Thus, the fact remains that there are far more people who want broadcast licenses than there are licenses available. Without a doubt, there are far more people who desire to use the spectrum than there is spectrum available.

The FCC claims about increased competition are also not well-founded. Even though there has been a large increase in the gross number of broadcast stations, this does not necessarily indicate that competition exists. In fact, it does not. Some 2,000 communities are served by a single radio licensee—or AM/FM combination.

The FCC assertion that new video services create competition is simply wrong when applied to the issue of the fairness doctrine. The vast majority of the new video services merely retransmits other broadcast stations, or, in the case of cable, provides no local programming on a regular basis. Of course, some cable systems have a local access channel; however, that represents only one new voice on local issues. Since the new video services do not originate any local programming, they cannot be considered new voices on local issues. The fairness doctrine was designed to give members of the local community an opportunity to present opposing viewpoints on issues of concern to that community.

Finally, the FCC's contention that the fairness doctrine has a chilling effect on broadcasters' speech is equally meritless. Many overlook the fact that the fairness doctrine imposes an obligation on broadcast licensees to air matters of public importance in addition to requiring broadcasters to air an opposing viewpoint when only one side of an issue is presented. The FCC argued that once the fairness doctrine was eliminated, the American public would see a tremendous increase in the coverage of controversial issues. All I have seen is a greater desire on the part of broadcasters to put on entertainment programming to increase their bottom line. I have not seen an increase in editorials or news and public affairs programming.

Furthermore, this argument ignores the fact that the fairness doctrine was intended to protect the public's first amendment right to present viewpoints on controversial issues. The fairness doctrine permitted those who do not own broadcast stations to participate in important public debates and a greater range of issues upon which to make informed decisions. For the American people, the fairness doctrine was crucial in protecting their right to free speech, a position taken by the Supreme Court in Red Lion Broadcasting Co. versus FCC. It was the only vehicle through which members of the public could respond effectively to one-sided presentations of controversial issues by station owners. Of course, now, without the fairness doctrine, they can still get air time, but only if they can afford to purchase it and the station is willing to sell it to them, or if they can get on alternative media—if any exist—that genuinely reaches a significant audience. Clearly, the fairness doctrine enhanced speech and furthered first amendment rights.

In conclusion, I take this opportunity to urge all of my colleagues to support this legislation to reinstate the fairness doctrine. This legislation is critical if the principle that broad-

casters are licensed to serve the public is to have any meaning.

I ask unanimous consent that the entire text of the bill be included in the RECORD at the end of my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 217

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fairness in Broadcasting Act of 1991".

SEC. 2. FINDINGS.

The Congress finds that—

(1) despite technological advances, the electromagnetic spectrum remains a scarce and valuable public resource;

(2) there are still substantially more people who want to broadcast than there are frequencies to allocate;

(3) a broadcast license confers the right to use a valuable public resource and broadcaster is therefore required to utilize that resource as a trustee for the American people;

(4) there is a substantial governmental interest in conditioning the award or renewal of a broadcast license on the requirement that the licensee ensure the widest possible dissemination of information from diverse and antagonistic sources by presenting a reasonable opportunity for the discussion of conflicting views on issues of public importance;

(5) while new video and audio services have been proposed and introduced, many have not succeeded, and even those that are operating reach a far smaller audience than broadcast stations;

(6) even when and where new video and audio services are available, they do not provide meaningful alternatives to broadcast stations for the dissemination of news and public affairs;

(7) for more than thirty years, the Fairness Doctrine and its corollaries, as developed by the Federal Communications Commission on the basis of the provisions of the Communications Act of 1934, have enhanced free speech by securing the paramount right of the broadcast audience to robust debate on issues of public importance;

(8) because the Fairness Doctrine only requires more speech, it has no chilling effect on broadcasters; and

(9) the Fairness Doctrine (A) fairly reflects the statutory obligations of broadcasters under that Act to operate in the public interest, (B) was given statutory approval by the Congress in making certain amendments to that Act in 1959, and (C) strikes a reasonable balance among the First Amendment rights of the public, broadcast licensees, and speakers other than owners of broadcast facilities.

SEC. 3. AMENDMENT TO THE COMMUNICATIONS ACT OF 1934.

Section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended—

(1) by redesignating subsection (a) through (d) as subsections (b) through (e), respectively; and

(2) by inserting before subsection (b) the following new subsection:

"(a)(1) A broadcast licensee shall afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

"(2) The enforcement and application of the requirement imposed by this subsection shall be consistent with the rules and policies of the Commission in effect on January 1, 1987. Such rules and policies shall not be construed to authorize the application of any criminal sanction pursuant to section 501 of this Act.".●

● Mr. INOUYE. Mr. President, I rise today to announce the introduction of the Emerging Telecommunications Technologies Act of 1991. This bill is a revised version of the bill I introduced last year, S. 2904. These revisions reflect substantial input from the administration, the Defense Department, the Department of Commerce, the Federal power agencies, the Federal Communications Commission, and the private sector.

I believe that this bill goes a long way toward meeting the concerns of all these parties. I am particularly pleased that the Department of Defense decided not to oppose this legislation last year as a result of the changes made in this bill. I am also pleased to be able to work together with Chairmen DINGELL and MARKEY of the House of Representatives, who will also be introducing this bill today. I intend to move this bill quickly in this session of Congress and look forward to the support of my colleagues.

The issues surrounding the use and assignment of the radio frequency spectrum are becoming increasingly important to this Nation's technological development. Last year, Businessweek magazine recognized the significance of these issues with a cover story entitled "Airwave Wars: The Communications Spectrum Is Too Crowded. So How Do We Make Room For All Those New Technologies?" The National Telecommunications and Information Administration is planning to issue a major report concerning spectrum policies in the next couple of months.

At the same time, the Federal Communications Commission has launched an initiative to explore the potential for using certain frequency bands for new technologies. As the Chairman of the Federal Communications Commission testified last year:

> The availability of spectrum also has a direct bearing on the performance and global competitiveness of one of our major—and fastest growing—manufacturing industries, industrial and commercial electronics.

There is good reason for paying all this attention to the issues concerning spectrum allocation. It is widely recognized that the greatest potential for technological advance over the next decade will be in the area of wireless communications. If the 1980's were the decade of fiber optics, the 1990's are likely to be the decade of wireless technologies. The possibilities for the future are breathtaking.

Imagine owning one personal telephone number, similar to a social security number, that will follow you wherever you may travel—by car, by train, by airplane, or even walking down the street. Imagine taking this personal telephone number with you to the Swiss Alps or the jungles of South America.

Imagine receiving compact disc quality radio signals via satellite. Or watching television programs broadcast directly to you from other countries. Or engaging in sophisticated data communications with a mainframe computer while sailing across the Pacific Ocean.

These technologies may all become possibilities within the next one or two decades. In fact, some observers believe there will be more developments in spectrum-based technologies in the next decade than there have been in the entire history of spectrum-based communications. Without available spectrum to convey these signals, however, the public may never be able to take advantage of these technologies.

The United States has pioneered many of this Nation's spectrum-based technologies—from broadcast radio and television to satellite communications. This aggressive exploration of the spectrum has spurred economic development and enhanced the security of the American people.

Unfortunately, the United States is now paying for its past success. Available spectrum for new technologies is minimal and is shrinking fast. We must search for alternatives before the United States loses its leadership position in spectrum-based technologies.

Almost all observers agree that the Federal Government does not make full use of a substantial number of frequencies. Of course, some of these frequencies must remain clear for emergency and public safety purposes. Other frequencies, however, are not used for emergency services and could be used more efficiently by the commercial sector.

For these reasons, the bill I am introducing today will transfer 200 megahertz of the radio frequency spectrum from the Federal Government to commercial and public safety users. This will free up spectrum for new technologies. It should also promote research and development, since laboratories will be more likely to develop products if they know in advance that spectrum may be available to make the technology commercially successful.

Of course, the Federal Government provides many essential services using its spectrum, including for military purposes, drug enforcement, and air traffic control. This bill in no way seeks to downgrade the importance of these essential services. But the future of this country's telecommunications industry will depend heavily on the availability of new spectrum, and we must take the proper steps today to allow ourselves to plan for the future.

The bill I am introducing today contains several important changes from the bill that I introduced last year. The bill increases the amount of spectrum

that can be made eligible for sharing from 20 to 50 percent. It removes the arbitrary limitation that such shared spectrum can only be retained for use by the Government in geographic areas that cover no more than 20 percent of the population. The bill instead includes a provision that guarantees that the maximum possible use by the Government of this shared spectrum must be substantially less than the potential use made by the commercial sector.

These two changes were made out of recognition that the Federal Government could incur significant costs in relocating its operations to new frequencies even if the existing Federal Government use were completely consistent with use by a new technology. The Federal Government can retain use of these frequencies and also recommend them for reallocation to the commercial sector as long as the two uses do not interfere with each other. As a result, the Government users of this spectrum will not be forced to move off of these frequencies, and thus will not incur those costs.

Further, the bill makes several references to the need for the Secretary of Commerce to take into account the cost to the Government of reestablishing its services on different sets of frequencies when deciding which 200 Megahertz of frequencies to recommend for reallocation. Thus, all the Government users will have a fair opportunity to convince the secretary that it would be too costly to move to a new frequency band.

The bill also adds the Assistant Secretary of Commerce for Communications and Information, the Chairman of the Federal Communications Commission, and one additional representative of the Federal Government to the advisory committee. This will ensure that the needs and opinions of the Government users are at least represented at the table when the private sector meets to consider the initial recommendations made by the Secretary of Commerce. These Federal Government representatives would not, however, retain any veto authority over the recommendations of the advisory committee. The bill allows the private sector committee to issue opinions based on a majority vote, not a unanimous vote, by recognizing that dissenting views can be filed.

The bill extends the time period for withdrawal of certain assignments if the Secretary determines that the frequencies should not be made available for use by the private sector for several years. When issuing his recommendations for the reallocation of frequencies, the Secretary is directed to include a timetable for the withdrawal of the assignments of those frequencies. This section replaces the previous requirement that all Government assignments must be withdrawn within 6 months of the receipt of the Secretary's report. The new provisions recognize that it is unreasonable to require the President to withdraw certain assignments and cause those frequencies to lie fallow awaiting a future commercial use that may not occur for 15 years. This extended time period will give those Government users greater time to move off the frequencies they are currently using and should impose a less drastic financial burden. This will be especially helpful when the frequency withdrawals are timed to occur along with the natural depreciation of their network equipment.

The bill leaves to the Commission the important question of deciding how these new frequencies will be allocated and assigned. This bill expresses no opinion on which particular members of the public should be awarded the right to operate over these new frequencies or which particular uses should be made of these new frequencies. We have deliberately avoided making any decisions concerning these matters. These decisions are precisely the kind of decisions that the FCC was created to make. I would only like to remind the Commission of the importance of recognizing the need to promote the participation of minorities and women in awarding the rights to operate over these new frequencies.

Finally, the bill recognizes that these new technologies can be made available for public safety services as well as new technologies. Any spectrum uses currently administered by the Federal Communications Commission will be eligible for these frequencies.

Once again, I would like to express my appreciation to all the representatives of the Department of Defense, the administration and the private sector. These parties have demonstrated a great deal of cooperation and have made honest efforts to work together in shaping this bill. The opening of additional radio frequency spectrum for new, emerging technologies will benefit all Americans and is fast becoming a necessary priority if this Nation is to remain competitive with its economic competitors.

I ask unanimous consent that the full text of the bill be printed in the RECORD as introduced.•

By Mr. INOUYE (for himself, Mr. HOLLINGS, Mr. GORE, and Mr. LAUTENBERG):

S. 218. A bill to require the Secretary of Commerce to make additional frequencies available for commercial assignment in order to promote the development and use of new telecommunications technologies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EMERGING TELECOMMUNICATIONS TECHNOLOGIES ACT

• Mr. INOUYE. Mr. President, I rise today as a cosponsor of the Fairness in Broadcasting Act of 1991. This legislation reinstates the fairness doctrine, a principle which served the public interest and was a cornerstone of broadcasting for almost 40 years. The fairness doctrine is a specific application of the public trustee concept that enhances speech and furthers first amendment principles. It is a reasonable condition on the use of a valuable public resource, the electromagnetic spectrum. Moreover, the doctrine has served to increase speech on issues of public importance. As such, it is no more than good journalistic practice.

As my distinguished colleagues are aware, the fairness doctrine requires broadcasters to afford citizens reasonable opportunities to hear and discuss issues of public importance. It requires broadcasters to: First, cover issues of public importance; and second, fairly reflect differing viewpoints on those issues. The fairness doctrine does not require that broadcasters provide every side of an issue with exactly the same amount of time in the same time period. Instead, broadcasters simply have to ensure that their programming taken as a whole presents issues of public importance and does so in a balanced fashion. Thus, in the real world, if a licensee aired only one side of a controversial issue, he or she has to permit, if requested, members of the public a reasonable opportunity to present an opposing viewpoint.

Mr. President, we are here today because the U.S. Court of Appeals ruled in 1986 in the TRAC case that Congress had never actually codified the fairness doctrine and because the FCC has taken that opportunity to repeal the doctrine. The time has thus come to make the fairness doctrine an explicit part of our Nation's communications law.

Some have suggested that the fairness doctrine violates the first amendment and actually chills free speech. Nothing could be further from the truth. Seventeen years ago, the Supreme Court unanimously upheld the fairness doctrine against the first amendment challenge in Red Lion Broadcasting Co. versus FCC. The Court held that in the context of broadcasting, the rights of the viewing public to hear contrasting viewpoints on issues of public importance, not the rights of broadcasters, are paramount, and that the fairness doctrine is both a permissible and effective means of vindicating those rights. The fact that far more people are willing and able to engage in broadcasting than can possibly be accommodated by the limited spectrum available and that there are no genuine alternatives to broadcasting for the discussion of issues of public importance justifies a regulatory scheme that requires licensees to serve as trustees and obligates them to present the views of those who are excluded from the airways. Since Red

Lion, the Supreme Court has consistently reaffirmed the scarcity and public trustee rationale, while upholding regulation of broadcasters against first amendment attack.

The argument that the spectrum is no longer scarce is without any merit and is flatly contradicted by the widespread support for legislation I introduced last Congress and am introducing again today to free up more spectrum for commercial use. The spectrum scarcity problem has become so intense that there is simply no more room to accommodate new technologies, for common carrier or broadcast purposes. Even the FCC Chairman has recognized the problem of spectrum scarcity. In testifying last year in support of the need to find more spectrum for new technologies, he stated that "radio-based innovations * * * are being slowed by an absence of available spectrum."

Supporters of the fairness doctrine accept that it may impose a mild burden on licensees. However, we believe that the burden is both necessary and minimal. As the Supreme Court stated in Red Lion, "[it] is the right of the viewers and listeners, not the right of the broadcasters which is paramount." While the Communications Act limits the rights of the viewers and listeners by excluding speakers from the airwaves, it mitigates this damage by enhancing speech through the fairness doctrine.

Past decisions of the Commission and the courts have carefully circumscribed the scope of the doctrine in order to minimize intrusion into the editorial discretion of broadcasters. For example, in determining whether there had been a violation of the fairness doctrine, the FCC did not monitor broadcasts. The Commission only acted if it: First, received a complaint; and second, determined that the complaint presented prima facie evidence of a violation. Only a tiny portion of complaints result in any FCC action.

Thus, the doctrine can only chill broadcasters' speech when they are unwilling to air both sides of an issue. In fact, broadcasters need only fear the consequences of presenting a single side of an issue in their overall programming. A broadcaster who acts according to the standards of his or her profession, on the other hand, has nothing to fear from the fairness doctrine, since it is only applied in the most egregious cases of imbalance. The chill argument is thus an attempt to clothe the first amendment language in an economically motivated refusal to fulfill the commitments they gave in return for the free grant of a valuable public resource.

Mr. President, the public interest standard ordained by Congress for broadcasting means that licensees are public trustees with unique public responsibilities. As Judge Burger stated in the 1966 United Church of Christ decision: "The Fairness Doctrine plays a very large role in assuring the public resource granted to licensees at no cost will be used in the public interest." The point is fundamental: Without the fairness doctrine, there is nothing to prevent a broadcaster from grossly abusing the public trust embodied in a broadcast license. If the legal requirement that the Commission grant licensees in the public interest cannot prevent such use of a broadcast facility, the public interest concept means nothing at all.

Mr. President, the time is long overdue for Congress to codify the fairness doctrine. I urge my colleagues to support this bipartisan effort.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 218

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Emerging Telecommunications Technologies Act of 1991".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the Federal Government currently reserves for its own use, or has priority of access to, approximately 40 percent of the electromagnetic spectrum that is assigned for use pursuant to the Communications Act of 1934;

(2) many of such frequencies are underutilized by Federal Government licensees;

(3) the public interest requires that many of such frequencies be utilized more efficiently by Federal Government and non-Federal licensees;

(4) additional frequencies are assigned for services that could be obtained more efficiently from commercial carriers or other vendors;

(5) scarcity of assignable frequencies for licensing by the Commission can and will—

(A) impede the development and commercialization of new telecommunications products and services;

(B) reduce the capacity and efficiency of the United States telecommunications systems;

(C) prevent some State and local police, fire, and emergency services from obtaining urgently needed radio channels; and

(D) adversely affect the productive capacity and international competitiveness of the United States economy;

(6) a reassignment of these frequencies can produce significant economic returns; and

(7) the Secretary of Commerce, the President, and the Federal Communications Commission should be directed to take appropriate steps to correct these deficiencies.

SEC. 3. NATIONAL SPECTRUM PLANNING.

(a) PLANNING ACTIVITIES.—The Assistant Secretary of Commerce for Communications and Information and the Chairman of the Commission shall meet, at least biannually, to conduct joint spectrum planning with respect to the following issues:

(1) the future spectrum requirements for public and private uses, including State and local government public safety agencies;

(2) the spectrum allocation actions necessary to accommodate those uses; and

(3) actions necessary to promote the efficient use of the spectrum, including spectrum management techniques to promote increased shared use of the spectrum as a means of increasing commercial access.

(b) REPORTS.—The Assistant Secretary of Commerce for Communications and Information and the Chairman of the Commission shall submit a joint annual report to the Committee on Energy and Commerce of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, the Secretary, and the Commission on the joint spectrum planning activities conducted under subsection (a) and recommendations for action developed pursuant to such activities. The first annual report submitted after the date of the report by the advisory committee under section 4(d)(4) shall include an analysis of and response to that committee report.

SEC. 4. IDENTIFICATION OF REALLOCABLE FREQUENCIES.

(a) IDENTIFICATION REQUIRED.—The Secretary shall, within 24 months after the date of the enactment of this Act, prepared and submit to the President and the Congress a report identifying bands of frequencies that—

(1) are allocated on a primary basis for Federal Government use and eligible for licensing pursuant to section 305(a) of the Act (47 U.S.C. 305(a));

(2) are not required for the present or identifiable future needs of the Federal Government;

(3) can feasibly be made available, as of the date of submission of the report or at any time during the next 15 years, for use under the Act (other than for Federal Government stations under such section 305);

(4) will not result in costs to the Federal Government that are excessive in relation to the benefits that may be obtained by non-Federal licensees; and

(5) are most likely to have the greatest potential for productive uses under the Act.

(b) MINIMUM AMOUNT OF SPECTRUM RECOMMENDED.—

(1) IN GENERAL.—Based on the report required by subsection (a), the Secretary shall recommend for reallocation, for use other than by Federal Government stations under section 305 of the Act (47 U.S.C. 305), bands of frequencies that span a total of not less than 200 megahertz, that are located below 5 gigahertz, and that meet the criteria specified in paragraphs (1) through (4) of subsection (a). If the report identifies (as meeting such criteria) bands of frequencies spanning more than 200 megahertz, the report shall identify and recommend for reallocation those bands (spanning not less than 200 megahertz) that meet the criteria specified in paragraph (5) of such subsection.

(2) MIXED USES PERMITTED TO BE COUNTED.—Bands of frequencies which the Secretary's report recommends be partially retained for use by Federal Government stations, but which are also recommended to be reallocated to be made available under the Act for use by non-Federal stations, may be counted toward the minimum spectrum required by paragraph (1) of this subsection, except that—

(A) the bands of frequencies counted under this paragraph may not count toward more than one-half of the minimum required by paragraph (1) of this subsection;

(B) a band of frequencies may not be counted under this paragraph unless the assignments of the band to Federal Government stations under section 305 of the Act (47 U.S.C. 305) are limited by geographic area, by

time, or by other means so as to guarantee that the potential use to be made by such Federal Government stations is substantially less (as measured by geographic area, time, or otherwise) than the potential use to be made by non-Federal stations; and

(C) the operational sharing permitted under this paragraph shall be subject to coordination procedures which the Commission shall establish and implement to ensure against harmful interference.

(c) CRITERIA FOR IDENTIFICATION.—

(1) NEEDS OF THE FEDERAL GOVERNMENT.—In determining whether a band of frequencies meets the criteria specified in subsection (a)(2), the Secretary shall—

(A) consider whether the band of frequencies is used to provide a communications service that is or could be available from a commercial carrier or other vendor;

(B) seek to promote—

(i) the maximum practicable reliance on commercially available substitutes;

(ii) the sharing of frequencies (as permitted under subsection (b)(2));

(iii) the development and use of new communications technologies; and

(iv) the use of nonradiating communications systems where practicable; and

(C) seek to avoid—

(i) serious degradation of Federal Government services and operations; and

(ii) excessive costs to the Federal Government and civilian users of Federal Government services.

(2) FEASIBILITY OF USE.—In determining whether a frequency band meets the criteria specified in subsection (a)(3), the Secretary shall—

(A) assume such frequencies will be assigned by the Commission under section 303 of the Act (47 U.S.C. 303) over the course of not less than 15 years;

(B) assume reasonable rates of scientific progress and growth of demand for telecommunications services;

(C) determine the extent to which the reallocation or reassignment will relieve actual or potential scarcity of frequencies available for licensing by the Commission for non-Federal use;

(D) seek to include frequencies which can be used to stimulate the development of new technologies; and

(E) consider the cost to reestablish services displaced by the reallocation of spectrum.

(3) COMMERCIAL USE.—In determining whether a band of frequencies meets the criteria specified in subsection (a)(4), the Secretary shall consider—

(A) the extent to which equipment is available that is capable of utilizing the band;

(B) the proximity of frequencies that are already assigned for commercial or other non-Federal use; and

(C) the activities of foreign governments in making frequencies available for experimentation or commercial assignments in order to support their domestic manufacturers of equipment.

(4) OTHER USES.—

(A) APPLICABILITY OF CRITERIA.—The criteria specified by section 4(a) shall be deemed not to be met for any purpose under this Act with regard to any frequency assignment to, or any frequency assignment used by, a Federal power agency for the purpose of withdrawing that assignment.

(B) MIXED USE ELIGIBILITY.—The frequencies assigned to any Federal power agency may only be eligible for mixed use under subsection (b)(2) in geographically separate areas, but in those cases where a frequency is to be shared by an affected Federal power agency and a non-Federal user, such use by the non-Federal user shall not cause harmful interference to the affected Federal power agency or adversely affect the reliability of its power system.

(C) DEFINITIONS.—As used in this paragraph, the term "Federal power agency" means the Tennessee Valley Authority, the Bonneville Power Administration, the Western Area Power Administration, or the Southwestern Power Administration.

(d) PROCEDURE FOR IDENTIFICATION OF REALLOCABLE BANDS OF FREQUENCIES.—

(1) SUBMISSION OF PRELIMINARY IDENTIFICATION TO CONGRESS.—Within 12 months after the date of the enactment of this Act, the Secretary shall prepare and submit to the Congress a report which makes a preliminary identification of reallocable bands of frequencies which meet the criteria established by this section.

(2) CONVENING OF ADVISORY COMMITTEE.—Not later than the date the Secretary submits the report required by paragraph (1), the Secretary shall convene an advisory committee to—

(A) review the bands of frequencies identified in such report;

(B) advise the Secretary with respect to (i) the bands of frequencies which should be included in the final report required by subsection (a), and (ii) the effective dates which should be established under subsection (e) with respect to such frequencies;

(C) receive public comment on the Secretary's report and on the final report; and

(D) prepare and submit the report required by paragraph (4).

The advisory committee shall meet at least monthy until each of the actions required by section 5(a) have taken place.

(3) COMPOSITION OF COMMITTEE; CHAIRMAN.—The advisory committee shall include—

(A) the Chairman of the Commission and the Assistant Secretary of Commerce for Communications and Information, and one other representative of the Federal Government as designed by the Secretary; and

(B) representatives of—

(i) United States manufacturers of spectrum-dependent telecommunications equipment;

(ii) commercial carriers;

(iii) other users of the electromagnetic spectrum, including radio and television broadcast licensees, State and local public safety agencies, and the aviation industry; and

(iv) other interested members of the public who are knowledgeable about the uses of the electromagnetic spectrum.

A majority of the members of the committee shall be members described in subparagraph (B), and one of such members shall be designated as chairman by the Secretary.

(4) RECOMMENDATIONS ON SPECTRUM ALLOCATION PROCEDURES.—The advisory committee shall, not later than 36 months after the date of the enactment of this Act, submit to the Secretary, the Commission, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate, a report containing such recommendations as the advisory committee considers appropriate for the reform of the process of allocating the electromagnetic spectrum between Federal and non-Federal use, and any dissenting views thereon.

(e) TIMETABLE FOR REALLOCATION AND LIMITATION.—The Secretary shall, as part of the report required by subsection (a), include a timetable that recommends immediate and delayed effective dates by which the President shall withdraw or limit assignments on the frequencies specified in the report. The recommended delayed effective dates shall—

(1) permit the earliest possible reallocation of the frequency bands, taking into account the requirements of section 6(1);

(2) be based on the useful remaining life of equipment that has been purchased or contracted for to operate on identified frequencies;

(3) be based on the need to coordinate frequency use with other nations; and

(4) take into account the relationship between the costs to the Federal Government of changing to different frequencies and the benefits that may be obtained from commercial and other non-Federal uses of the reassigned frequencies.

SEC. 5. WITHDRAWAL OF ASSIGNMENT TO FEDERAL GOVERNMENT STATIONS.

(a) IN GENERAL.—The President shall—

(1) within 6 months after receipt of the Secretary's report under section 4(a), withdraw the assignment to a Federal Government station of any frequency which the report recommends for immediate reallocation;

(2) within such 6-month period, limit the assignment to a Federal Government station of any frequency which the report recommends be made immediately available for mixed use under section 4(b)(2);

(3) by the delayed effective date recommended by the Secretary under section 4(e) (except as provided in subsection (b)(4) of this section), withdraw or limit the assignment to a Federal Government station of any frequency which the report recommends be reallocated or made available for mixed use on such delayed effective date;

(4) assign or reassign other frequencies to Federal Government stations as necessary to adjust to such withdrawal or limitation of assignments; and

(5) transmit a notice and description to the Commission and each House of Congress of the actions taken under this subsection.

(b) EXCEPTIONS.—

(1) AUTHORITY TO SUBSTITUTE.—If the President determines that a circumstance described in paragraph (2) exists, the President—

(A) may substitute an alternative frequency or band of frequencies for the frequency or band that is subject to such determination and withdraw (or limit) the assignment of that alternative frequency or band in the manner required by subsection (a); and

(B) shall submit a statement of the reasons for taking the action described in subparagraph (A) to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

(2) GROUNDS FOR SUBSTITUTION.—For purposes of paragraph (1), the following circumstances are described in this paragraph:

(A) the reassignment would seriously jeopardize the national defense interests of the United States;

(B) the frequency proposed for reassignment is uniquely suited to meeting important governmental needs;

(C) the reassignment would seriously jeopardize public health or safety; or

(D) the reassignment will result in costs to the Federal Government that are excessive in relation to the benefits that may be obtained from commercial or other non-Federal uses of the reassigned frequency.

(3) CRITERIA FOR SUBSTITUTED FREQUENCIES.—For purposes of paragraph (1), a

frequency may not be substituted for a frequency identified by the report of the Secretary under section 4(a) unless the substituted frequency also meets each of the criteria specified by section 4(a).

(4) DELAYS IN IMPLEMENTATION.—If the President determines that any action cannot be completed by the delayed effective date recommended by the Secretary pursuant to section 4(e), or that such an action by such date would result in a frequency being unused as a consequence of the Commission's plan under section 6, the President may—

(A) withdraw or limit the assignment to Federal Government stations on a later date that is consistent with such plan, except that the President shall notify each Committee specified in paragraph (1)(B) and the Commission of the reason that withdrawal or limitation at a later date is required; or

(b) substitute alternative frequencies pursuant to the provisons of this subsection.

(c) LIMITATION OF DELEGATION.—Notwithstanding any other provision of law, the authorities and duties established by this section may not be delegated.

SEC. 6. DISTRIBUTION OF FREQUENCIES BY THE COMMISSION.

Not later than one year after the President notifies the Commission pursuant to section 5(a)(5), the Commission shall prepare, in consultation with the Assistant Secretary of Commerce for Communications and Information when necessary, and submit to the President and the Congress, a plan for the distribution under the Act of the frequency bands reallocated pursuant to the requirements of this Act. Such plan shall—

(1) not propose the immediate distribution of all such frequencies but, taking into account the timetable recommended by the Secretary pursuant to section 4(e), shall propose—

(A) gradually to distribute the frequencies remaining, after making the reservation required by subparagraph (B), over the course of a period of not less than 10 years beginning on the date of submission of such plan; and

(B) to reserve a significant portion of such frequencies for distribution beginning after the end of such 10-year period;

(2) contain appropriate provisions to ensure—

(A) the availability of frequencies for new technologies and services in accordance with the policies of section 7 of the Act (47 U.S.C. 157); and

(B) the availability of frequencies to stimulate the development of such technologies;

(3) address (A) the feasibility of reallocating portions of the spectrum from current commercial and other non-Federal uses to provide for more efficient use of the spectrum, and (B) innovation and marketplace developments that may affect the relative efficiencies of different spectrum allocations; and

(4) not prevent the Commission from allocating bands of frequencies for specific uses in future rulemaking proceedings.

SEC. 7. AUTHORITY TO RECOVER REASSIGNED FREQUENCIES.

(a) AUTHORITY OF PRESIDENT.—Subsequent to the withdrawal of assignment to Federal Government stations pursuant to section 5, the President may reclaim reassigned frequencies for reassignment to Federal Government stations in accordance with this section.

(b) PROCEDURE FOR RECLAIMING FREQUENCIES.—

(1) UNALLOCATED FREQUENCIES.—If the frequencies to be reclaimed have not been allocated or assigned by the Commission pursuant to the Act, the President shall follow the procedures for substitution of frequencies established by section 5(b) of this Act.

(2) ALLOCATED FREQUENCIES.—If the frequencies to be reclaimed have been allocated or assigned by the Commission, the President shall follow the procedures for substitution of frequencies established by section 5(b) of this Act, except that the notification required by section 5(b)(1)(A) shall include—

(A) a timetable to accommodate an orderly transition for licensees to obtain new frequencies and equipment necessary for its utilization; and

(B) an estimate of the cost of displacing spectrum uses licensed by the Commission.

(c) COSTS OF RECLAIMING FREQUENCIES; APPROPRIATIONS AUTHORIZED.—The Federal Government shall bear all costs of reclaiming frequencies pursuant to this section, including the cost of equipment which is rendered unusable, the cost of relocating operations to a different frequency band, and any other costs that are directly attributable to the reclaiming of the frquency pursuant to this section. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

(d) EFFECTIVE DATE OF RECLAIMED FREQUENCIES.—The Commission shall not withdraw licenses for any reclaimed frequencies until the end of the fiscal year following the fiscal year in which the President's notification is received.

(e) EFFECT ON OTHER LAW.—Nothing in this section shall be construed to limit or othewise affect the authority of the President under section 706 of the Act (47 U.S.C. 606).

SEC. 8. DEFINITIONS.

As used in this Act:

(1) The term "allocation" means an entry in the National Table of Frequency Allocations of a given frequency band for the purpose of its use by one or more radiocommunication services.

(2) The term "assignment" means an authorization given to a station licensee to use specific frequencies or channels.

(3) The term "commercial carrier" means any entity that uses a facility licensed by the Federal Communications Commission pursuant to the Communications Act of 1934 for hire or for its own use, but does not include Federal Government stations licensed pursuant to section 305 of the Act (47 U.S.C. 305).

(4) The term "Commission" means the Federal Communications Commission.

(5) The term "Secretary" means the Secretary of Commerce.

(6) The term "the Act" means the Communications Act of 1934 (47 U.S.C 151 et seq.).•

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 219. A bill to allow the psychiatric or psychological examinations required under chapter 313 of title 18, United States Code, relating to offenders with mental disease or defect to be conducted by a psychiatric nurse practitioner or a clinical nurse specialist; to the Committee on the Judiciary.

PSYCHOLOGICAL EXAMINATIONS BY PSYCHIATRIC NURSE PRACTITIONERS OR CLINICAL NURSE SPECIALISTS

• Mr. INOUYE. Mr. President, today, I am introducing legislation that will allow our Nation's psychiatric nurse practitioners/clinical nurse specialists to provide mental health services to the Federal judiciary.

Mr. President, I feel that our Nation's judicial system deserves access to a wide range of behavioral science and mental health expertise. The time has come for the enactment of this legislation that, I believe, will be in the best interest of our Nation.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 219

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of subsection (b) of section 4247 of title 18, United States Code, is amended by—

(1) striking out "or" after "certified psychiatrist" and inserting a comma; and

(2) inserting after "clinical psychologist," the following: psychiatric nurse practitioner, or clinical nurse specialist,"•.

By Mr. DOLE (for Mr. GARN, for himself, and Mr. HELMS):

S.J. Res. 37. Joint resolution proposing an amendment to the Constitution of the United States for the protection of unborn children and other persons; to the Committee on the Judiciary.

CONSTITUTIONAL AMENDMENT ON THE RIGHTS OF THE UNBORN

• Mr. GARN. Mr. President, I am pleased today to join with some of my colleagues to offer an amendment to the Constitution of the United States to protect human life. January 22, 1991, marks the 18th anniversary of the Supreme Court's decision legalizing abortion. We join together for this anniversary to both censure the Court's error in this regard and to mourn the deaths of millions of unborn children who have fallen victims of it. It is my concern for the wholesale destruction of human life that leads me to once again, for the seventh consecutive Congress, introduce this amendment, known as the human life amendment, in the 102d Congress.

The amendment states that "with respect to the right to life, the word 'person' as used * * * in the Fifth and Fourteenth amendments to the Constitution * * * applies to all human beings, irrespective of age, health, function, or condition of dependency, including their unborn offspring at every stage of their biological development." It goes on to specify that measures necessary to prevent the death of the mother should not be prohibited.

I thank those in this body who have joined me in cosponsoring this effort. I appreciate your support not only as colleagues, but because it is again an indicator to me of the support among the people of our Nation in the effort to resolve the tragedy of abortion. I commend, as well, the individual efforts of several of my colleagues in

their fight to protect the unborn. I also thank, in advance, those thousands of citizens who will descend upon the Nation's Capital next week, on January 22, and those who will gather throughout the Nation to peacefully protest the Supreme Court's decision, and mourn the violent deaths of the unborn that continue to take place even now. I lend my voice to the protest and call upon you in this Congress to join with me.

In my readings of the Constitution, I have never found an all-encompassing right to abortion. That the Supreme Court erred in its holding in 1973 is unquestionable. The Court assumed for itself a legislative role and in effect wrote a statute governing abortions for the entire country, a statute more permissive than those enacted by any of the 50 States before them. I think that it is fair to say that those abortion decisions are the most criticized of our time.

Medical and biological science teaches unequivocally that new life begins at conception, not at birth. Indeed, medical advances are changing the way that many regard life in the womb. Surgery has been successfully performed on fetuses to correct medical problems before birth. Premature babies are being saved at younger ages. Doctors and others are acknowledging the very real possibility that fetuses endure terrible pain as a result of abortion techniques. Additionally, the moral and ethical questions of responsibility and, indeed, life must be addressed for babies who survive abortion procedures. Given all this, can it be possible to say that a viable fetus at 7 or 8 months' gestation, who is eligible for abortion under Roe versus Wade, is not human or alive when compared to a newborn at full gestation.

How can we, as civilized people, have such blatant disregard for the value of human life by allowing abortions to violently end the life of fetuses at up to 28 weeks' gestation, yet if a baby is born prematurely, even as early as 24 weeks, medical professionals and families rally around the child, making every human effort possible and praying for a miracle to save the child. How does the value of life change so dramatically from, literally, one moment to the next? We don't protect the fetus, but we make every effort possible to save babies at the moment of birth. A newborn is no less dependent on us for its survival than is a fetus. Their future, that of the unborn and the newborn as well, lies in our hands.

Mr. President, I am hopeful that steps can be taken in this Congress to preserve those guarantees found in our Constitution and to protect the life of our unborn.●

By Mr. THURMOND:

S.J. Res. 38. Joint resolution to recognize and commend the "Bill of Responsibilities" of the Freedoms Foundation at Valley Forge; to the Committee on the Judiciary.

COMMENDING THE "BILL OF RESPONSIBILITIES" OF THE FREEDOMS FOUNDATION

Mr. THURMOND. Mr. President, I rise today to introduce a joint resolution which recognizes and commends the Freedoms Foundation's bill of responsibilities.

Since 1949, Freedoms Foundation at Valley Forge has worked, through a variety of programs and activities, to help Americans learn more about their country—its origins, its history, its guiding principles. In conjunction with the Bicentennial of the Constitution and the Bill of Rights, Freedoms Foundation is expanding and refining its mission in an important way—to help promote a better understanding of the unique nature of American citizenship.

From its inception, the emphasis of the American experiment in self-government has been on individual rights. Because the creation of a society and government with this emphasis was such a radical departure from what had come before, the discussion and writings that accompanied the Declaration of Independence and the Constitution concentrated on these themes. That does not mean, however, that the Founding Fathers did not recognize a corresponding set of citizens responsibilities. They recognized that the long-term success of the American experiment rested on the maintenance of a proper balance of rights and responsibilities.

To help promote a better understanding of the necessary balance between rights and responsibilities in a free society, Freedoms Foundation has developed, as its contribution to the Bicentennial of the Constitution, a bill of responsibilities.

This bill is the result of nearly 2 years' effort on the part of scholars from throughout the United States, under the direction of a steering committee composed of members of Freedoms Foundation's Board of Directors and National Council of Trustees, including: Dr. Mark W. Cannon, Executive Director of the Commission on the Bicentennial of the Constitution; Morris I. Leibman, attorney; Ursula Meees; Robert W. Miller, president of Freedoms Foundation; the Honorable John J. Rhodes, former minority leader of the House of Representatives; and the Honorable Raymond P. Shafer, former Governor of Pennsylvania.

I urge my colleagues to join with me in recognizing and commending the Freedoms Foundation's bill of responsibilities.

Mr. President, I ask unanimous consent that the text of this joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 38

Whereas, the United States of America recently celebrated the two hundredth anniversary of the Presidency and Congress established by the Constitution of the United States; and

Whereas, "We the People" did ordain and establish a Constitution and Bill of Rights for the United States of America to secure the blessings of liberty for ourselves and our posterity; and

Whereas, the United States of America prepares to commemorate the Bicentennial of the Bill of Rights on December 15, 1991; and

Whereas, the Bill of Rights still guarantees our liberties nearly 200 years after its ratification and continues to assure the Constitutional rights of "We the People"; and

Whereas, rights and responsibilities are mutual and inseparable; Freedoms Foundation at Valley Forge has offered a "Bill of Responsibilities" to commemorate the Bicentennial of the Bill of Rights and to urge all Americans to accept the following responsibilities in order to secure and expand our freedom as individual members of a free society:

(1) To be fully responsible for our own actions and for the consequences of those actions.

(2) To respect the rights and beliefs of others.

(3) To give sympathy, understanding, and help to others.

(4) To do our best to meet our own and our families' needs.

(5) To respect and obey the laws.

(6) To respect the property of others, both private and public.

(7) To share with others our appreciation of the benefits and obligations of freedom.

(8) To participate constructively in the Nation's political life.

(9) To help freedom survive by assuming personal responsibility for its defense.

(10) To respect the rights and to meet the responsibilities on which our liberty rests and our democracy depends. Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress recognizes and commends the "Bill of Responsibilities" of the Freedoms Foundation at Valley Forge and urges the citizens of the United States to embrace these princples as a model of responsible American citizenship.

By Mr. THURMOND:

S.J. Res. 39. Joint resolution to designate the month of September 1991, as "National Awareness Month for Children With Cancer"; to the Committee on the Judiciary.

NATIONAL AWARENESS MONTH FOR CHILDREN WITH CANCER

Mr. THURMOND. Mr. President, I am pleased to introduce today a resolution which designates the month of September 1991 as "National Awareness Month for Children With Cancer."

Cancer causes more than 10 percent of all deaths among children in the United States between the ages of 1 and 14. It is second only to accidents as the leading cause of death in this age group.

Families confronted with childhood cancer face one of the most difficult experiences they will ever know. These families both need and deserve the best

medical and emotional support we can provide. Every family touched by childhood cancer needs the patience and understanding of its friends, neighbors, teachers, and clergy. Parents need the support and compassion of their employers, and brothers and sisters of young cancer patients need special attention—not only at home, but also at school.

In recent years, our Nation has made unprecedented progress in the fight against cancer. Fortunately, dramatic progress has been made in the early diagnosis and treatment of childhood cancers. The number of children who die from cancer has declined by approximately one-third since 1973—a significant change over a relatively short span of time.

Many private sector organizations and Government agencies have been responsible for our Nation's progress in the fight against childhood cancer. The National Cancer Institute [NCI], part of the Department of Health and Human Services, is the Federal Government's principal agency for cancer research. Members of the NCI's pediatric branch and pediatric oncologists at universities and research institutes throughout the country are working tirelessly to develop improved methods for diagnosing and treating children with cancer.

Scores of other national and local health care organizations and charitable associations play a vital role in supporting such cancer research. These organizations also help young patients and their parents cope with the emotional and financial stress caused by cancer treatment, and their efforts deserve our praise and support. Through the generosity of these groups, children suffering from cancer may be able to spend time at a special summer camp or realize a heartfelt dream; they and their parents may receive free air travel for treatment; or parents may benefit from low-cost lodging while their children obtain care far from home. Across the United States, concerned Americans have rallied to help young cancer patients and their families by founding and supporting wonderful programs like these.

In closing, I urge my colleagues to join me in cosponsoring this worthy resolution which aims to draw attention to the opportunities for prevention, early detection, and successful treatment of cancer when it strikes our children.

I ask unanimous consent that the full test of this resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 39

Whereas cancer causes more than 10 percent of all deaths among children in the United States between the ages of 1 and 10;

Whereas cancer is second only to accidents as the leading cause of death for children in that age group;

Whereas families that have a child cancer victim encounter one of life's most tragic experiences;

Whereas parents of children suffering from cancer need the support and compassion of their employers, and the siblings of such children need special attention at home and in school;

Whereas dramatic progress has been made in the early diagnosis and treatment of cancer in children;

Whereas the number of children who die each year from cancer has decreased by approximately one-third since 1973;

Whereas private sector organizations and government agencies have been responsible for significant progress in the fight against cancer in children; and

Whereas these organizations and agencies, which help children suffering from cancer and their families cope with the emotional and financial stress caused by cancer treatment, are worthy of praise and support: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September, 1991, is designated as "National Awareness Month for Children with Cancer", and the President is requested to issue a proclamation calling upon the people of the United States to observe the month with appropriate ceremonies and activities.

By Mr. THURMOND:

S.J. Res. 40. Joint resolution to designate the period commencing September 8, 1991, and ending on September 14, 1991, as "National Historically Black Colleges Week"; to the Committee on the Judiciary.

NATIONAL HISTORICALLY BLACK COLLEGES WEEK

Mr. THURMOND. Mr. President, I am pleased to rise today to introduce a joint resolution which authorizes and requests the President to designate the week of September 8, 1991, through September 14, 1991, as "National Historically Black Colleges Week."

This year represents the 9th consecutive year that it has been my privilege to sponsor legislation honoring the historically black colleges of our country.

The 6th of the 107 historically black colleges, namely Allen University, Benedict College, Claflin College, South Carolina State College, Morris College, and Voorhees College, are located in my home State. These colleges are vital to the higher education system of South Carolina. They have provided thousands of economically disadvantaged young people with the opportunity to obtain a college education.

Mr. President, hundreds of thousands of young Americans have received quality educations at these 107 schools. These institutions have a long and distinguished history of providing the training necessary for participation in a rapidly changing society. Historically black colleges offer to our citizens a variety of curriculums and programs through which young people develop skills and talents, thereby expanding opportunities for continued social progress.

Recent statistics show that historically black colleges and universities have graduated 60 percent of the black pharmacists in the Nation, 40 percent of the black attorneys, 50 percent of the black engineers, 75 percent of the black military officers, and 80 percent of the black members of the Judiciary.

Mr. President, as this resolution is introduced, it is important to note that 1991 is the year Congress begins consideration of the reauthorization of the Higher Education Act. This act has greatly benefited historically black colleges over the years and I look forward to the reauthorization debate.

Mr. President, through passage of this joint resolution, Congress can reaffirm its support for historically black colleges, and appropriately recognize their important contributions to our Nation. I look forward to the speedy passage of this joint resolution, and I ask unanimous consent that a copy of the joint resolution appear in the RECORD following my remarks.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 40

Whereas there are 107 Historically Black Colleges and Universities in the United States;

Whereas such colleges and universities provide the quality education so essential to full participation in a complex, highly technological society;

Whereas black colleges and universities have a rich heritage and have played a prominent role in American history;

Whereas such institutions have allowed many underprivileged students to attain their full potential through higher education; and

Whereas the achievements and goals of the Historically Black Colleges are deserving of national recognition: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing September 8, 1991, and ending on September 14, 1991, is designated as "National Historically Black Colleges Week" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States and interested groups to observe such week with appropriate ceremonies, activities, and programs, thereby demonstrating support for Historically Black Colleges and Universities in the United States.

ADDITIONAL COSPONSORS

S. 1

At the request of Mr. MITCHELL, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Rhode Island [Mr. PELL], and the Senator from Texas [Mr. BENTSEN] were added as cosponsors of S. 1, a bill to amend title 38, United States Code, to increase the rates of disability compensation for veterans with service-connected disabilities and the rates of

dependency and indemnity compensation for survivors of those who died from service-connected disabilities; to provide for independent scientific review of the available scientific evidence regarding the health effects of exposure to certain herbicide agents, and for other purposes.

At the request of Mr. BIDEN, his name was added as a cosponsor of S. 1, supra.

At the request of Mr. ADAMS, his name was added as a cosponsor of S. 1, supra.

S. 2

At the request of Mr. KENNEDY, the names of the Senator from Michigan [Mr. RIEGLE], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of S. 2, a bill to promote the achievement of national education goals, to establish a National Council on Educational Goals and an Academic Report Card to measure progress on the goals, and to promote literacy in the United States, and for other purposes.

S. 8

At the request of Mr. DOLE, the names of the Senator from Florida [Mr. MACK], and the Senator from Missouri [Mr. BOND] were added as cosponsors of S. 8, a bill to extend the time for performing certain acts under the internal revenue laws for individuals performing services as part of the Desert Shield operation.

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 8, supra.

S. 9

At the request of Mr. DOLE, the names of the Senator from North Carolina [Mr. HELMS], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 9, a bill to amend the foreign aid policy of the United States toward countries in transition from communism to democracy.

S. 10

At the request of Mr. DOLE, the names of the Senator from Colorado [Mr. BROWN], the Senator from Idaho [Mr. CRAIG], the Senator from South Carolina [Mr. THURMOND], and the Senator from Wisconsin [Mr. KASTEN] were added as cosponsors of S. 10, a bill to amend title II of the Social Security Act to phase out the earnings test over a 5-year period for individuals who have attained retirement age, and for other purposes.

S. 12

At the request of Mr. DANFORTH, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 12, a bill to amend title VI of the Communications Act of 1934 to ensure carriage on cable television of local news and other programming and to restore the right of local regulatory authorities to regulate cable television rates, and for other purposes.

S. 24

At the request of Mr. MOYNIHAN, the names of the Senator from North Dakota [Mr. CONRAD], the Senator from Michigan [Mr. LEVIN], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of S. 24, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion from gross income of educational assistance provided to employees.

S. 55

At the request of Mr. METZENBAUM, the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of S. 55, a bill to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes.

S. 65

At the request of Mr. NICKLES, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 65, a bill to make the 65 miles-per-hour speed limit demonstration project permanent and available to any State.

S. 88

At the request of Mr. MCCAIN, his name was added as a cosponsor of S. 88, a bill to amend the Internal Revenue Code of 1986 to make permanent the deduction for health insurance costs for self-employed individuals.

S. 89

At the request of Mr. MCCAIN, his name was added as a cosponsor of S. 89, a bill to amend the Internal Revenue Code of 1986 to permanently increase the deductible health insurance costs for self-employed individuals.

S. 99

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 99, a bill to reduce the pay of Members of Congress and certain Executive Officers corresponding to the percentage reduction of the pay of Federal employees who are furloughed or otherwise have a reduction of pay resulting from a sequestration order.

S. 101

At the request of Mr. SANFORD, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 101, a bill to mandate a balanced budget, to provide for the reduction of the national debt, to protect retirement funds, to require honest budgetary accounting, and for other purposes.

S. 167

At the request of Mr. RIEGLE, the names of the Senator from Louisiana [Mr. JOHNSTON], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 167, a bill to amend the Internal Revenue Code of 1986 to permanently extend qualified mortgage bonds.

SENATE JOINT RESOLUTION 9

At the request of Mr. THURMOND, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of Senate Joint Resolution 9, a joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget.

SENATE JOINT RESOLUTION 21

At the request of Mr. SASSER, the names of the Senator from Maryland [Ms. MIKULSKI], the Senator from Arkansas [Mr. PRYOR], and the Senator from Texas [Mr. BENTSEN] were added as cosponsors of Senate Joint Resolution 21, a joint resolution expressing the sense of the Congress that the Department of Commerce should utilize the statistical correction methodology to achieve a fair and accurate 1990 Census.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources. The purpose of the hearing is to receive testimony on U.S. national energy policy.

The hearing will take place on Tuesday, February 5, 1991, beginning at 9:30 a.m. in room 366 of the Senate Dirksen Office Building in Washington, DC. Witnesses will testify by invitation only.

Those wishing to submit written testimony should address it to the Committee on Energy and Natural Resources, room 364 Dirksen Senate Office Building, Washington, DC 20510.

For further information, please contact Patricia Beneke of the committee staff at (202) 224-2383.

COMMITTEE ON SMALL BUSINESS

Mr. Bumpers. Mr. President, I would like to announce that the Small Business Committee has postponed the two field hearings that were to be held in Hartford, CT, on January 17 and 18, 1991. For further information, please call Ken Glueck of Senator LIEBERMAN's office at 224-4041, or Laura Lecky of the committee staff at 224-3099.

ADDITIONAL STATEMENTS

TRIBUTE TO DANNY BARKER, RECIPIENT OF NEA 1991 AMERICAN JAZZ MASTERS FELLOWSHIP AWARD

• Mr. JOHNSTON. Mr. President, this past weekend the National Endowment for the Arts announced the recipients of the 1991 American Jazz Masters Fellowship Award. This award is given to individual artists each year in recognition of their contribution to jazz in the African-American tradition. This year, four individuals were honored, including Danny Barker, a native of New Orleans. In selecting Mr. Barker to receive this award, the nominating panel cited his outstanding talent, his com-

mitment to introducing youth to jazz, his efforts at preserving jazz traditions and his ongoing contributions to New Orleans jazz. In my opinion, the panel could not have made a better choice.

Mr. Barker was born in 1909 to the musically inclined Barbarin family of New Orleans. He learned how to play the clarinet, ukelele, and banjo from his grandfather, Isadore Barbarin, leader of the New Orleans Onward Brass Band. His uncles, Paul and Louis Barbarin taught him to play the drums. In time, his instruments of preference became the guitar and banjo.

During his career, Mr. Barker developed a reputation as a rhythm player and performed with many legendary jazz artists, such as Willie Pajeaud, Louis Armstrong, Jelly Roll Morton, Lee Collins, and David Jones. In the 1930's, he settled in New York City where he collaborated with jazz greats such as Sidney Bechet, Cab Calloway, Lucky Milinder, Benny Carter, and Fess Williams.

In 1965, Mr. Barker returned to New Orleans to continue his musical career and to serve as assistant curator of the New Orleans Jazz Museum. Recognizing the need to instill in children an identity and appreciation for jazz, he formed the Fairview Baptist Church Brass Band and a group known as "Danny's Kids," an organization which takes children off the streets of New Orleans and teaches them to play music on a scheduled basis.

While Mr. Barker plays a variety of jazz styles, including blues, traditional, New Orleans style and 1920's Harlem Renaissance/1930's 52nd Street Big Band Swing, he is particularly known for fusing the New Orleans sound with characteristic rhythms of the Caribbean. His music often includes Creole folk melodies which are related to classic jazz.

Today, Mr. Barker is semiretired; however, he continues to be an active force in continuing the black jazz traditions of New Orleans music. Just last year, he testified before the Senate Energy and Natural Resources Committee on the need to establish a new unit of the National Park System in New Orleans to preserve and interpret the origin, development and progression of jazz in the United States. His testimony discussed the need to provide youth with an identity. Mr. Barker feels that jazz music provides such an identity to many children and presents them with an opportunity to recognize their individual talents and potential.

In closing, Mr. President, Danny Barker has left a lasting mark on the history and development of that unique American musical form known as jazz and I am sure that all my colleagues in the Senate join with me in offering him our gratitude and congratulations.●

THE 62D ANNIVERSARY OF BIRTH OF DR. MARTIN LUTHER KING, JR.

● Mr. SARBANES. Mr. President, on January 21, 1991, we will commemorate the 62d anniversary of Dr. Martin Luther King Jr.'s birth. As a cosponsor of the legislation enacted in 1983 which authorized the national observance of the Martin Luther King, Jr., birthday holiday, I am very pleased to once again rise to recognize one of our Nation's greatest leaders in the ongoing struggle to achieve full equality for all our citizens. I am also pleased to note that my State of Maryland has celebrated January 15, the actual birthday of Martin Luther King, Jr., as a legal holiday since 1974.

Since 1955, when in Montogmery, AL, Dr. King became a national hero and an acknowledged leader in the civil rights struggle, until his tragic death in Memphis, TN in 1968, Martin Luther King made an extraodinary contribution to the evolving history of our Nation. His courageous stands and unyielding belief in the tenent of nonviolence reawakened out Nation to the injustice and discrimination which continued to enactment of the guarantees of the 14th and 15th Amendments to the Constitution.

The holiday we will observe on Monday, January 21, will serve to remind us of the importance of Martin Luther King's dream which he articulated so dramatically in August 1963, in the march on Washington speech at the Lincoln Memorial:

> I have a dream that one day on the red hills of Georgia, sons of former slaves and sons of former slave owners will be able to sit down together at the table of brotherhood * * * I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character.

Twenty-three years after his death, we are still working toward the fruition of Dr. King's dreams. Our national celebration of Martin Luther King's birthday serves not only to pay tribute to a great leader. It also places us on record as rededicating ourselves to the principles of justice and equality which Dr. King's life so richly exemplified. As Dr. King wrote so eloquently in a letter from a Birmingham jail:

> Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality tied in a single garment of destiny. Whatever affects one directly, affects all indirectly.

Dr. King dedicated his life to achieving equal treatment and enfranchisement for all Americans through nonviolent means. He moved our Nation in a lasting way, and inspired thousands to follow his principles of nonviolence and to join in the national movement for equality and justice for all. I am pleased and privileged to join with citizens all across the Nation in recognizing the enormous contributions of Dr. Martin Luther King, Jr., a great leader in the evolving history of the United States.●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

● Mr. HEFLIN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35 for Ms. Mary Hawkins, a member of the staff of Senator DENNIS DECONCINI, to participate in a program in Germany, sponsored by USIA, in conjunction with the Congress-Bundestag Staff Exchange, from April 20 to May 6, 1990.

The committee has determined that participation by Ms. Hawkins in the program in Germany, at the expense of USIA, in conjunction with the Congress-Bundestag Staff Exchange, is in the interest of the Senate and the United States.●

ORDER FOR CONDITIONAL RECESS UNTIL 12 NOON TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that at the conclusion of today's session, the Senate stand in recess until 12 noon tomorrow, Wednesday, January 16, or subject to the call of the majority leader, if the majority leader, after consultation with the Republican leader, determines that convening the Senate prior to 12 noon is appropriate under the circumstances; and that following the prayer at the time the Senate next reconvenes, the Journal of proceedings be deemed approved to date.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONDITIONAL RECESS UNTIL TOMORROW

Mr. MITCHELL. Mr. President, I now ask unanimous consent that the Senate recess until 12 noon tomorrow, as under the previous order.

There being no objection the Senate, at 5:56 p.m., recessed until Wednesday, January 16, 1991, as under the previous order.

EXTENSIONS OF REMARKS

JAMES SCHLESINGER ON U.S. POLICY IN THE GULF

HON. JOHN J. LaFALCE
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 1991

Mr. LaFALCE. Mr. Speaker, with the deadline for an Iraqi withdrawal from Kuwait 1 day away, I continue to strive for a peaceful and just solution to the crisis. I do not believe that the use of U.S. military force at this time is our best course.

I submit for the RECORD the edited congressional testimony of James R. Schlesinger, former Secretary of Defense and former Secretary of Energy. Secretary Schlesinger shares my views that there is a high probability that economic sanctions, if given enough time, will be successful in removing Saddam Hussein from Kuwait.

STATEMENT BY JAMES R. SCHLESINGER BEFORE THE COMMITTEE ON ARMED SERVICES, U.S. SENATE, NOVEMBER 27, 1990

Mr. Chairman, Members of the Committee: I deeply appreciate the invitation to discuss with this Committee the challenge posed to American policy and, potentially, to America's armed forces by the developments in the Gulf. When last I addressed this Committee at the beginning of the year, I examined the implications for American policy, attitudes, deployments, and budgetary allocations implied by the collapse of the Warsaw Pact and the decline of the Soviet threat. In a sense today represents the continuation of that earlier testimony, for what we are to examine beyond the details of the Gulf crisis itself, is how this nation should grapple with the altered conditions in this post-Cold War environment.

Mr. Chairman, if you will permit, shall deal initially with the shape of the post-Cold War world in which the sharp ideological divisions and the coalitions and alliance polarized to reflect those differences have now been muted. Some, stimulated by the response to the crisis in the Gulf, have expressed the hope that we are now engaged in fashioning a new international order—in which violators of international norms will be regularly constrained or disciplined through the instrument of collective security. Put very briefly, Mr. Chairman, I believe that such aspirations for a Wilsonian utopia are doomed to disappointment. What is emerging is likely to resemble the somewhat disordered conditions before 1938—an era of old-fashioned power politics—marked by national and ethnic rivalries and hatreds, religious tensions, as well as smash and grab, and the pursuit of loot. Such elements clearly mark that catalyzing event, Iraq's seizure of Kuwait, and has marked the behavior of a number of players since August 2nd. To suggest that the international order will miraculously be transformed and that the players on the world scene will be motivated by a dedication to justice and international law strikes me as rather naive.

Mr. Chairman, you and Senator Warner have posed the question: what are America's interests in the Gulf. I shall mention three—and leave it to the Committee to decide whether they are in ascending or descending order of importance.

First, is oil. There is no way to evading this simple reality. Oil provides the energy source that drives the economies of the industrial and underdeveloped worlds. Were the principal exports of the region palm dates, or pearls, or even industrial products, our response to Iraq's transgression would have been far slower and far less massive than has been the case. Nonetheless, this should not be misunderstood. Our concern is not primarily economic—the price of gasoline at the pump. Were we primarily concerned about the price of oil, we would not have sought to impose an embargo that drove it above $40 a barrel. Instead, our concern is strategic: we cannot allow so large a portion of the world's energy resources to fall under the domination of a single hostile party. Any such party, even Saddam Hussein, would ordinarily be concerned with the stability of the oil market, the better to achieve the long run exploitation of his economic assets. However, concern focuses on the extraordinary periods—during which he might use his domination of these oil resources to exploit the outside world's vulnerabilities for strategic mischief.

Second, the United States has had an intimate relationship with the Kingdom of Saudi Arabia. It reflects a number of shared strategic objectives—as well as Saudi efforts to stabilize the oil market, most dramatically in the period after the fall of the Shah. It is embodied in the Carter Doctrine which pledges military resistance to external assaults on the Kingdom, as well as the Reagan corollary which subsequently pledged resistance to internal subversion. Failure of the United States to honor such commitments would raise question about the seriousness of the United States, not only in the Middle East but elsewhere. It is notable that down through August 2nd Kuwait itself rebuffed attempts of the United States to provide similar protection—through President bush's remarks since that date have tended to establish a U.S. commitment to the security of Kuwait.

Third, since the close of World War II and, particularly, since the establishment of the State of Israel, the United States has had a generalized commitment to the stability of the Middle East and to the security of Israel. On numerous occasions this generalized commitment has led to U.S. diplomatic or military involvement in the region—not always marked by complete success.

Let me turn now to the alternative strategies available to the United States and its allies. The first, of course, is to allow the weight of the economic sanctions, imposed in August, gradually to wear down the capacity and the will of Iraq to sustain its present position. The embargo, backed up by a naval blockade, is the most successful ever achieved aside from time of war. Early-on it was officially estimated that it would require a year for the embargo to work. It now appears to be working more rapidly than anticipated. In three months time civilian production is estimated to have declined by some 40%. Oil exports are nil—and export earnings have dropped correspondingly. The hoard of hard currency, necessary to sustain smuggling, is dwindling away. The economic pressure can only grow worse.

While Iraq's military posture does not appear to have been seriously affected as yet, as the months go by that too will be seriously weakened. Lack of spare parts will force Iraq to begin to cannibalize its military equipment. Military industry, as yet significantly unaffected, will follow the downward path of civilian industry. In short, the burden on both Iraq's economy and her military strength will steadily increase.

We know that such burdens must ultimately affect political judgment and political will. In time, the original objectives of the United Nations will be attained. Already, Saddam Hussein shows a willingness, if not an eagerness, to compromise. One no longer hears that Kuwait is for all eternity the nineteenth province of Iraq. But for some ultimately may not be soon enough, and for others the original objectives may not be sufficient.

To the extent that those original objectives are augmented by demands that Saddam Hussein stand trial as a war criminal, that Iraq provide compensation for the damage it has done, that Iraq's military capacity must be dismantled or destroyed, or that Saddam Hussein must be removed from power, Saddam's determination to hang on will be strengthened. Some may prefer such a response in that it precludes a "settlement and makes recourse to military force more likely. Nonetheless, if one avoids this list of additional demands and is satisfied with the original objectives, the probability that the economic sanctions will result in a satisfactory outcome is very high. One should note that, since the original estimate was that the sanctions route would require a year, it seems rather illogical to express impatience with them, because they will not have produced the hoped-for results in six months time.

In this connection one should also note the frequently expressed view that Saddam Hussein must not be "rewarded" for his aggression, but instead must be "punished". As an expression of emotion it is understandable, but it must not be allowed to obscure our sense of reality. Saddam Hussein is being punished and punished severely. He has forfeited $20 billion of foreign exchange earnings a year—indeed $30 billion at the current oil price. Iraq's credit is totally destroyed, and the remnants of its hard currency reserves dwindling. When Saddam looks across the border at Saudi Arabia or the UAE, they are prospering because of his actions—from which he himself has derived no benefit. He is likely to be consumed by envy. His own economy is rapidly becoming a basket case.

Moreover, the position of preponderance that he had earlier achieved in OPEC is now gone. He is diplomatically isolated. His military position will slowly be degraded. His pawns in Lebanon have been wiped out—by his chief Baathist rival, Assad, who has immensely strengthened his own position. He has been forced to accept an embarrassing peace with Iran, and that nation's position

relative to Iraq is slowly being improved. Sympathetic nations like Jordan and Yemen have been harshly treated—and neither they nor he have any recourse. On the benefit side stands only the looting of Kuwait.

In brief, Saddam Hussein staked Iraq's position on a roll of the dice—and lost. Only if he has a deeply masochistic streak can he regard himself as "rewarded". To allow our political rhetoric to obscure the severe punishment that has already been meted out or to suggest that our current policy is in some way unsuccessful and that Saddam's position is now or is potentially enviable strikes me as misconceived.

That brings us to the second alternative—the military option.

There is little question that the United States and its allies can inflict a crippling military defeat on Iraq. It can eject Iraq from Kuwait; it can destroy Iraq's military forces and military industries; it can destroy, if it wishes, Iraq's cities. The question is at what cost—and whether it is wise to incur that cost. Whenever a nation accepts the hazards of war, the precise outcome is not predetermined. Depending upon the military strategy chosen and the tenacity of Iraq's forces, there could be a considerable variation in the outcome. In the event of an all-out assault on entrenched Iraqi positions, the casualties may be expected to run into several tens of thousands. However, if we avoid that all-out assault, make use of our decisive advantages in the air, and exploit the opponent's vulnerabilities by our own mobility, the casualties could be held to a fraction of the prior estimate. In between four and eight weeks, it should all be over—save for starving out or mopping up the remaining Iraqi forces in Kuwait. The question then becomes whether one goes on to occupy Iraq, to destroy the balance of Iraqi forces, and the like. That would be far more difficult and time consuming, but circumstances may make it unavoidable.

I think it prudent to say no more about strategy and tactics in this session. Suffice it to say that the immediate price will not be small. American forces would be obliged to carry a disproportionate burden in any struggle. This will affect the attitudes of our public and the attitudes in the Middle East regarding the United States.

I believe that the direct cost of combat—including that of a probable scorched earth policy in Kuwait—will be the lesser part of the total cost. The Middle East would never be the same. It is a fragile, inflammable, and unpredictable region. The sight of the United States inflicting a devastating defeat on an Arab country from the soil of an Arab neighbor may result in an enmity directed at the United States for an extended period, not only by Iraq and its present supporters, but ultimately among the publics of some of the nations now allied to us. To be sure, there are no certainties, yet that risk must be born in mind. Moreover, the United States will be obliged to involve itself deeply in the reconstruction of the region in the aftermath of a shattering war. In brief, the noncombat costs of a recourse to war, while not calculable in advance, are likely to be substantial.

On November 8 President Bush announced his decision to acquire "an offensive military option" and nearly to double U.S. forces deployed in the Persian Gulf. That announcement altered the strategic, diplomatic, and psychological landscape. The deployment of our additional armored divisions implied that the United States might itself choose to cross that "line in the sand" and forcibly eject Iraq's troops from Kuwait. As the President indicated that earlier deployment in August had been intended "to deter further Iraqi aggression".

One must recognize that to this point Saddam Hussein has remained unmoved by either appeals or international declarations. It is only the prospect that force might be used against him that has brought forth any sign of a willingness to compromise. The principal goal of the Administration in deciding on these deployments may simply be to increase the pressure on Saddam Hussein to withdraw from Kuwait.

It should also be noted that Mr. Primakov's observations were confined to the original objective of forcing an Iraqi withdrawal from Kuwait and the restoration of the legitimate regime. Of late, to those original objectives, some additional goals have been hinted or stated: the elimination of Iraq's capacity to intimidate her neighbors, the removal of Iraq's military capability, the removal of Saddam Hussein from power, and the ending of Iraq's quest for a nuclear capability. The general effect is to paint Iraq as a rogue or outlaw state—and that its menace to its neighbors and to the international order must be eliminated. To the extent that these additional objectives are embraced, either in appearance or reality, the prospect for a voluntary Iraqi withdrawal from Kuwait is sharply diminished. To achieve these objectives, there is really no alternative but to resort to war. Saddam Hussein's inclination to dig in will be stiffened—and in all likelihood the willingness of Iraqi forces to resist will be strengthened.

Consideration of the military option will be influenced by attitudes within the international coalition that the United States has organized. By and large that coalition has revealed strong ambivalence regarding the military option and a preference for a diplomatic solution—with those least directly involved most dubious about the military option. While the members of that coalition may be prepared to accept military force to drive Iraq out of Kuwait, to this point they have shown little inclination to embrace the sterner objectives of policy that have been stated but never officially presented or embraced.

There is, of course, a third strategic alternative: the possibility of a diplomatic solution. Though it remains an eventual possibility, I shall spend little time on it in this hearing for two reasons. First, the United States is probably precluded from any negotiations with Iraq by the position that it initially announced: we will not have any direct communication with Iraq until it has left Kuwait. For the United States itself to enter into negotiations would represent too much of a diplomatic retreat. To be sure, others have been willing to serve the role of diplomatic intermediaries. Since August the possibility of an "Arab solution" has been raised on several occasions. The Soviets, the French, and others have conducted explorations. But, as the probability of recourse to war rises, the probability of a diplomatic settlement, of necessity shrinks. That brings me to my second reason for limiting discussion of this alternative: if there is to be a diplomatic solution, it will be several months before the outlines jell. The United States, given its position, will be obliged to appear merely to acquiesce in such an outcome—out of deference to pressures from other elements of international community.

There is something more, however, to be said about the diplomatic situation. In your letter of inquiry, Mr. Chairman, you and Senator Warner inquired about the durability of allied support for the multinational coalition. In regard to the original demands on Iraq and the use of sanctions, that support has been firmer than we might have anticipated. Saddam's appeal to the "hearts and minds" in the Arab countries seems to have peaked in September. There has been little restlessness elsewhere in the coalition—no doubt, in large degree, due to the fact that the world can do without Iraqi and Kuwaiti crude. Moreover, the status quo includes authorization for the naval blockade, which can therefore be continued indefinitely. It would take a positive act of the United Nations to remove that authorization.

However, that coalition is likely to prove less durable, if combat takes place. Particularly would this be the case if the objectives turn out to be the new and sterner demands of war policy, reflecting the decision that Iraq has become an outlaw state that must be dealt with now. Needless to say, the international coalition has yet to embrace that line of reasoning.

Therefore, Mr. Chairman, I close with observations regarding two inherent difficulties in the emerging situation.

First, if the United States conveys the impression that it has moved beyond the original international objectives to the sterner objectives that Saddam Hussein must go, that Iraq's military establishment and the threat to the region must be dismantled or eliminated, etc., then whatever incentive Saddam Hussein may presently have to acquiesce in the international community's present demands and to leave Kuwait will shrink toward zero. This may please those who have decided that the war option is the preferable one, but it makes it increasingly hard to hold together the international coalition, which we initially put together to bless our actions in the Gulf. That brings us to the second observation: the more we rely on the image of Iraq as an outlaw state to justify taking military action, the more we make holding together the international coalition inherently difficult, if not impossible. International approval of our actions is something on which the Administration has set great store. It has provided the desire legitimacy. To abandon it would mean the undermining of any claim to establishing a new international order.

Mr. Chairman, if you will allow me one final word that goes beyond the crisis in the Gulf. That crisis has preoccupied our attention for more than three months and is likely to do so for many months more. It has diverted our attention from subjects that may be of equal or even greater importance. Six months ago all of us were deeply moved by the developments in Eastern Europe and in the Soviet Union—and with the prospect that those nations might move toward democracy and economic reform. Members of this Committee will recall our high hopes at that time. Yet, in the intervening period, with the diverting of our attention to the Gulf, those prospects have been dealt a grievous blow. First was the Soviet decision to force the former satellites to pay hard currency for their oil. Second, it was followed by the Gulf crisis that has sharply raised the international price of oil. The prospects and hopes for Eastern Europe, while our attention has been diverted, have been seriously damaged. Yet, to return to my original theme, in the shaping of the post-Cold War world it is not clear that the evolution of Eastern Europe and the Soviet Union may

not be more important than developments in the Gulf.

EMERGING TELECOMMUNICATIONS TECHNOLOGIES ACT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 1991

Mr. DINGELL. Mr. Speaker, today I am reintroducing the text of the Emerging Telecommunications Technologies Act of 1991 together with the chairman of the Telecommunications Subcommittee, Mr. MARKEY. This important bill was passed by the House in the last Congress. The Senate Commerce Committee held a hearing on a companion measure late in the last session, but was unable to pass its measure prior to adjournment. It is my hope that both Chambers will act on this legislation expeditiously, so that it can be signed into law before the end of the year.

There are several differences between the bill we are introducing today and that which passed the House last July. Some are technical in nature, representing clarifications of provisions that were ambiguous. Additional changes are the result of conversations with public safety communications officials, clarifying their status and making sure that their needs will be addressed. Other changes are the result of discussions with the Senate, and take into account some of the objections to last year's bill that surfaced in the other body. Finally, we have continued to work with the administration, taking their concerns into account, in the hope that they will act more positively than was the case last year.

The thrust of the legislation remains the same. The Federal Government continues to have a claim on approximately 40 percent of the usable electromagnetic spectrum. Spectrum is a critical resource, essential for technological development. It is a finite resource, and its effective and efficient use requires careful management.

The record compiled last year by the Telecommunications Subcommittee leaves no doubt that the Government's share is too large, and is being managed inefficiently. Every single former Administrator of the National Telecommunications and Information Administration agrees with that assessment. Every former Administrator—Democrat and Republican alike—endorses this bill. Every one of them agrees that giving the Federal Communications Commission additional frequencies to allocate is essential for the development of new spectrum-dependent telecommunications products and services.

The legislation requires the Secretary of Commerce to identify 200 MHz of Government spectrum that can, over time, be turned over to the FCC. It establishes an advisory committee to assist the Secretary in this effort, and to propose changes in the way spectrum is allocated between the FCC and Commerce Department. Finally, the bill requires the FCC to plan for the disposition of the spectrum, taking into consideration not only the existing congestion that currently limits spectrum use, but also the spectrum needs of new technologies.

There are a host of potential new applications. High definition television is one such use. There is also the so-called personal communications networks—literally wristwatch radios that can connect individuals to the entire world, no matter where they might be. Satellite systems, radio systems, and other spectrum-dependent devices can only be developed if spectrum is made available.

Other nations recognize the linkage between spectrum decisions and leadership in developing new technologies. Great Britain, the European Community, and Japan each have aggressive Government-sponsored efforts to take leadership from American companies. Our innovators need our help. Unless this bill passes, each new use for spectrum will have to depend on someone else giving up—or being forced to give up—frequencies for the new use. This is a difficult and time-consuming task, and will delay the introduction of new technologies for decades.

Mr. Speaker, I am confident that the Committee on Energy and Commerce will bring this bill back to the full House expeditiously, and that the Senate will move equally quickly. Passage of this legislation is critical for America's leadership in spectrum-dependent technologies, and represents one of my highest priorities for the 102d Congress.

ENERGY POLICY AND THE PERSIAN GULF CRISIS

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 1991

Mr. DELLUMS. Mr. Speaker, we have been presented with a number of rationalizations for the use of military force to remove the Iraqi occupation force from the oil kingdom of Kuwait. One of the most frequently heard justifications is that we must defend the integrity of the Middle Eastern oil-producing states in order to preserve our access to cheap, plentiful oil.

In November, Secretary of State James Baker said that:

> The economic lifeline of the industrial world runs from the gulf and we cannot permit a dictator such as this to sit astride that economic lifeline. To bring it down to the level of the average American citizen, let me say that means jobs.

Of course, Secretary Baker was only reaffirming policy laid out earlier by President Bush, who declared on August 15 that:

> We are talking about maintaining access to energy resources that are key, not just to the functioning of this country but to the entire world. Our jobs, our way of life, our own freedom, and the freedom of friendly countries around the world would all suffer if control of the world's great oil reserves fell into the hands of that one man, Saddam Hussein.

I rise to dispute that contention, Mr. Speaker. If we choose to endorse the ill-conceived policy of armed intervention in the gulf, then let us not mislead ourselves into thinking that we do so in order to maintain energy supplies that are either cheap or beneficial to our economy.

We are experiencing our third major disruption of oil production from the Middle East since the embargo of 1973. The Iraqi invasion of Kuwait caused prices to skyrocket some 170 percent in 3 months, exacerbating recessionary trends in our national economy, and causing real tragedy and suffering among the nations of the Third World. In fact, to underscore the instability in these markets, I note that recently, prices fluctuated some 30 percent in the brief period of 5 minutes, with the cost of oil increasing from $24 to $31 per barrel. Yet, Iraq's invasion did not cause more than momentary disruption of world oil production, only the perception that disruption may one day occur. As a result, oil producers and multinational energy companies have reaped a windfall of unexpected revenue, and both the concentration of wealth and the concentration of available reserves have increased.

The ripple effects of dependency on our cheap and plentiful oil suppliers in the Middle East has left the Dow Jones average at its lowest point since November, with some pointing out ominous similarities to the 1987 crisis in financial markets.

If we truly wish to protect our national interests, the fundamental problem we must address is our failure to enact those measures necessary to move toward an energy sector more reliant on alternatives to petroleum fuels. Reforms are urgently needed to motivate a transition to a policy climate that encourages the utilization of available and proven alternatives, such as solar, geothermal, wind, biomass, and improved energy efficiency. With a diversified and self-sustaining energy sector, we would be largely immune to the upheavals and geopolitical intrigues that plague the Middle East and can reasonably be expected to continue for the foreseeable future.

We must also realize the hidden costs of our cheap and plentiful oil supply. According to Worldwatch Institute estimates, energy industries in the United States received subsidies worth some $44 billion annually in 1984, the most recent year for which data is available. These subsidies have certainly increased in value since then, especially if you add in the $2.5 billion in tax giveaways that President Bush insisted on as part of last year's budget summit agreement—$46.5 billion in subsidies is almost $200 for every man, woman, and child in America added on to our burgeoning Federal deficit. Can we honestly call that cheap energy? And yet, Mr. Speaker, these figures do not even begin to account for the cost of our deployment of forces to the Middle East, which could easily equal the aforementioned cost of subsidies to the energy industry. And even before the commencement of Operation Desert Shield, our preparations for war in this region would add more than $60 to each barrel of imported oil, again according to the Worldwatch Institute, citing studies performed by the Economic Strategy Institute.

We must embark upon a coherent, comprehensive energy policy initiative that is both economically and environmentally sound. Let that be the offensive action urged upon the Nation by this body, Mr. Speaker, not a bloody and sustained conflict that will result in suffering on a scale not seen since the Vietnam war.

WHEN POLITICS OVERWHELMS SCIENCE: THE STORY OF ACID RAIN AND THE NAPAP STUDY

HON. WILLIAM E. DANNEMEYER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 1991

Mr. DANNEMEYER. Mr. Speaker, I have attached the transcript of an extraordinary segment broadcast on the CBS newshow "60 Minutes" on December 30, 1990, describing one of the greatest political success stories of the 1980s: the environmental party's ability to stifle all debate on the findings of the National Acid Precipitation Assessment Program [NAPAP] and enact into law an unnecessary and unduly expensive acid rain abatement program in the recently passed Clean Air Act.

As the only member of the House-Senate Clean Air Conference Committee to oppose this legislation, I brought the NAPAP findings to my colleagues' attention at every opportunity, but to no avial. Although quite a few of my fellow conferees acknowledged off the record that the NAPAP findings argued eloquently on behalf of a scaled-back version of the acid rain component of the Clean Air Act, none were willing to join me in my calls for such an approach.

What explains such a blatant disregard for sound science? Unfortunately, as the segment made clear, the environmental party in America is to blame. This party is so powerful that it succeeded in convincing the vast majority of our elected representatives to ignore the findings of these esteemed scientists and to pursue environmental demons that do not exist. Simply put, the environmental party has a ring through the nose of the Congress of the United States, which compliantly passes multi-billion dollar environmental regulatory programs that destroy hundreds of thousands of jobs and offer the American people little or no environmental protection.

The comments of the top lobbyist for the National Resources Defense Council sum up the attitude of these environmental activists: "(I)f the public believes that environmental protection is important and they are prepared to spend more of our wealth in protecting the environment, then its responsive to do that." But, how can the American public decide that constitutes a legitimate environmental threat when supposedly credible organizations such as the NRDC ignore the best available scientific information and, through manipulative disinformation campaigns, convince well-meaning citizens of the need for costly and unnecessary solutions?

The answer lies in a responsible media that will place the NAPAP findings on page one before the Congress considers the issue and offer the American public enough information to make an informed and wise choice on environmental issues such as acid rain. A high level NAPAP official once told one of my colleagues on the Energy and Commerce Committee that in all the years of NAPAP's existence not once did the Washington Post file a report on its progress or conclusions. That sort of de facto censorship must end.

The environmental party, with its preference for additional layers of governmental regulation and massive and lengthy lawsuits, fears an outbreak of domestic glasnost. Such an openness, I believe, would strip away the credibility and the perceived political clout of the environmental party and allow Americans and their elected representatives to achieve a much-needed balance between the protection of our environment and the continued vitality and growth of the U.S. economy.

I urge my colleagues to review the "60 Minutes" transcript and consider its implications for future environmental policymaking.

[From 60 Minutes Transcript, Dec. 30, 1990]

ACID RAIN

KROFT: Acid rain and ecological catastrophe: two phases that in many people's minds have become almost synonymous. Acid rain—poisons falling out of the sky, killing our forests and ravaging the countryside, and all of it coming from sulfur-polluting smokestacks of the Midwest. But the most expensive and exhaustive scientific study ever conducted on an environmental problem, which took 10 years, hundreds of millions of dollars and thousands of scientists to conduct, is about to publish its final report, which takes the conventional wisdom about acid rain and shoots it full of holes.

JAMES MAHONEY, Acid Rain Expert: I think we can be very simple about it. Acid rain is definitely a problem that needs improvement. It is not an ecological catastrophe at the levels we see here in the United States.

KROFT: [voice-over] Dr. James Mahoney is director of the National Acid Protection Assessment Program—NAPAP for short. What he and his scientists found out while conducting the government study is really quite different from what most people have come to believe about acid rain.

Mr. MAHONEY: I think our science clearly shows that the effects are less severe by quite a bit than the most extreme stories we sometimes hear.

KROFT: [voice-over] And what are some of those stories: Well, here's an example. Earlier this year, *Newsday* reported that wispy clouds creeping silently through the Northeast's forests are slowly killing off trees.

Mr. MAHONEY: I think that's in the sense of poetic characterization.

KROFT: Overblown?

Mr. MAHONEY: In a word.

KROFT: [voice-over] In fact, the NAPAP study says acid rain isn't killing trees—period. We quote: "There is no evidence of a general or unusual decline of forests in the United States and Canada due to acid rain." The study did find that acid rain may be harmful to one kind of tree, the red spurce, at very high elevations, but that natural stresses like frost and insects are more significant factors in the loss of those trees.

Mr. MAHONEY: There is a broad view that acid rain kills trees on a broad basis. The scientific community, I believe even the environmentally active scientific community, now understands that this is not what we see.

KROFT: You certainly wouldn't get that impression reading news stories about acid rain.

Mr. MAHONEY: Our job is to carry out these scientific studies and to do the best job we can of being scientific fact-finders. News stories are much more likely to take an extreme position. It's much easier to write a story about a problem and to characterize it as being caused by acid rain.

KROFT: [voice-over] And what about the effect of acid rain on lakes? Well, for the past 10 years it's been widely reported that lakes in the Northeast are dying by the thousands and a report by the National Academy of Sciences in 1981 predicted that the number of acid-dead lakes would nearly double by the year 1990.

[interviewing] Has that happened?

Mr. MAHONEY: No definitely not.

KROFT: What's the increase been?

Mr. MAHONEY: Our best estimate is that the level of—the number of acid lakes is probably just about the same now as it was a decade ago, and that's a fundamental difference compared to the commentary that the National Academy of Sciences made 10 years ago.

KROFT: [voice-over] The study found that acid rain does contribute to the acidity of lakes and streams, and it did find a large number of lakes to be acidic particularly in New York's Adirondack Mountains, more than 200 out of several thousands. But most of those affected lakes are small in size, representing about 2 percent of the surface water in the Adirondacks, and many of those lakes were acidic before the industrial revolution, before there was acid rain. Acid rain, the study says, is one of many factors which causes acidity in lakes. The other reasons; acidic soil and wild vegetation.

Mr. MAHONEY: Interestingly, the percentage of acidic lakes and streams is highest in the nation in Florida, by quite a bit. We know that the causation in many of these is natural. It has nothing to do with acid rain.

KROFT: [voice-over] The study did confirm some concerns about acid rain. The sulfur emissions that cause it affect visibility. Acid rain itself does damage buildings and statues. But the problem is getting better, not worse. Sulfur emissions are down more than 25 percent since the Clean Air Act of 1970 went into effect, and those emissions will continue to drop as more and more old coal-burning factories are phased out and replaced.

Soil scientist Eg Krug [sp?] was one of many NAPAP scientists who looked into the effects acid rain on lakes and he says it's not a crisis.

EG KRUG, Acid Rain Expert: We believe that the effects of acid rain are there, but they're subtle. They're difficult to find. We can see other environmental insults very easily but acid rain—it speaks that it's not a particularly large problem.

KROFT: The New York Times reported recently that over the last 10 years, while NAPAP has been doing its study, the number of lakes turned into aquatic death-traps multiplied across New York, New England and the South, stretches of forest along the Appalachian spine from Georgia to Maine, once lush and teeming with wildlife, were fast becoming ragged landscapes of dead and dying trees. True?

Mr. KRUG: No. No. I don't know where they got that from. It appears to be another assertion, unsubstantiated, because we've spent hundreds of millions of dollars surveying the environment to see if that was occurring and we do not see the occurring.

KROFT: [voice-over] To be exact, they spent $570 million of government money and they are more than 3,000 scientists from places like Yale, Pennsylvania, Dartmouth and the National Laboratories at Oak Ridge and Argon [sp?].

Senator DANIEL PATRICK MOYNIHAN (D-NY): Good science—world-class science.

KROFT: [voice-over] Senator Daniel Patrick Moynihan wrote the bill which started

this 10-year study because he was concerned about the lakes and the streams in his home state of New York.

Senator MOYNIHAN: We didn't know but what we were going to lose all our lakes and half our forests and God knows what else. It's good news to find that you don't have a devastating problem. It's also good news to know what kind of problem you have.

KROFT: [voice-over] It's not, however, been received as good news by most environmental groups. David Hawkins [sp?], a lobbyist for the National Resources Defense Council, says there's not much new in the NAPAP study. Hawkins says it confirms that acid rain is a problem and that the scientific community knew that 10 years ago.

DAVID HAWKINS: Environmental Lobbyist: The environmental community has spent almost no effort attempting to even monitor the progress of this program because we felt that this program was essentially a misdirection of resources and that our resources were better spent in trying to deal with the facts that we already have in hand about the damages due to acid rain. We have been working on trying to get legislation in Washington to clean up the problem, actually attack the pollution problem.

KROFT: So you've been working the political angle of it?

Mr. HAWKINS: I've been working the legislative angle of it, yes, trying to get a new law to control the pollution.

KROFT: Wait a minute. You seem to be saying it doesn't matter what the scientists say. What matters is passing the legislation.

Mr. HAWKINS. No, what we're saying is that you don't need additional years of documenting facts that we already have enough information about to know that the risks are so great that we should control pollution now rather than wait for additional years of research.

KROFT: [voice-over] Hawkins says that even if acid rain isn't a crisis, he considers it serious enough to require action and the legislation he's talking about is the tough acid rain provision of the new Clean Air Act, which his group, other top environmental lobbyists, the President and the Congress pushed through at the end of this last session. It will cost U.S. industries $4 billion to $7 billion a year to cut emissions that cause acid rain in half.

[on camera] What about the NAPAP study? It wasn't even a factor. The study received a one-hour hearing before a Senate subcommittee and was never even formally presented to the House of Representatives.

Senator JOHN GLENN (D–OH): We spend over $500 million on the most definitive study of acid precipitation that's ever been done in the history of the world anyplace, and then we don't want to listen to what they say.

KROFT: [voice-over] Senator John Glenn is concerned that the new legislation to cut down smokestack emissions will have a devastating effect on this home state of Ohio, not to mention Pennsylvania, West Virginia, Kentucky and parts of Indiana where high-sulfur coal, long blamed for causing acid rain, is not only the main source of energy but a major source of employment. Factories will be forced to install expensive new pollution control equipment. Utility rates are expected to jump by as much as 30 percent and 100,000 people could end up losing their jobs, many of them coal miners.

ROBERT MURRAY [sp?]. Owner, Ohio Valley Coal Company: We're out of business. We're out of business. Our jobs are gone.

KROFT: [voice-over] Robert Murray owns the Ohio Valley Coal Company. He says more than 400 jobs are at stake at his company alone and he can't understand why no one is listening to the scientists.

Mr. MURRAY: The networks, the electronic media, the written media, have place acid rain up to the point that our teachers, our students are totally confused about the issue, yet when the NAPAP study came out, you found it on page 34 of *The New York Times*. You didn't find it on CNN, CBS, ABC or NBC at all!

KROFT: You're very upset about this.

Mr. MURRAY: I am damned mad because this political issue is a human issue to me!

KROFT: [voice-over] About the only person who has written about the NAPAP study is this man, syndicated columnist Warren Brooks [sp?], who's made it a crusade.

WARREN BROOKS, Syndicated Columnist: It's sort of like trying to kill a gnat with a blunderbuss. I mean, it's just—we have this tendency to overdo it in this country. We just throw money at problems and I think we all agree that we don't have that kind of money to throw any more.

KROFT: [voice-over] Brooks has read the reports, studied the science and his conclusions have become the gospel for a growing number of people convinced that America is suffering from environmental hypochondria and that this acid rain legislation is just the most recent example.

Mr. BROOKS: If it's a crisis, we should act. We should—you know, damn the torpedoes, full speed ahead. What this study shows clearly is it's not a crisis. We should not damn the torpedoes. We should do it sensibly so we don't throw people out of work unnecessarily.

KROFT: Why has nobody listened to it?

Mr. BROOKS: Well, the point is that once their minds are made up—that is, "We're going to do something on acid rain. We're going to do something"—the politics is, "We're going to do something—

KROFT: That's happened. That's what's going on here.

Mr. BROOKS: That's what's going on.

KROFT: [voice-over] Brooks says the political agenda was set by candidate George Bush when he pledged to become the "environmental president" and to do something about acid rain. Brooks claims that Congress, looking at public opinion polls, decided voting against clean air was like voting against motherhood.

[Interviewing] So you're saying this has a lot more to do with politics than it does with science.

Mr. BROOKS: Absolutely. Absolutely.

KROFT: There are votes in it.

Mr. BROOKS: Yeah. Very simple.

Mr. HAWKINS: We live in a representative democracy and if the public believes that environmental protection is important and they are prepared to spend more of our wealth in protecting the environment, then it's responsible to do that.

KROFT: And you think the American public is well-informed on this issue.

Mr. HAWKINS: I think the American public can look out their windows and see what we're doing to the environment. They can read about it in papers. They can read about it in books.

KROFT: [voice-over] So what are we going to get for those billions spent to control acid rain, not to mention the lost jobs? Well, according to Warren Brooks, the only certain benefit will be the recovery of about 75 small lakes out of several thousand in New York's Adirondack Mountains.

Mr. BROOKS: Now, that's at $5 billion a year for, whatever, 50 years. That comes out to about $4 billion a lake.

KROFT: [voice-over] The Bush administration and environmental groups say there's much more to it than that, that what we're getting is cleaner air, better visibility, less damage to buildings and an insurance policy in case there are any unknown effects on human health which simply haven't been seen yet.

Mr. HAWKINS: We have very crude scientific tools. Even though we spent lots of money on it, the idea that a team of scientists can take a few years, wander around the forests and come up with "the answer"—well, the Greeks had a word for it. It's *hubris*. It's pride. And they're saying that because we spent a few years backpacking around these forests with a lot of instruments and we can't find anything, we should assume there is nothing.

Mr. KRUG: Actually, we do know a lot. We know that the acid rain problem is so small that it's hard to see, so it's the difference between an optimist and a pessimist, the classic example of whether the glass is full or empty. In this case, there's a couple of drops in the bottom of the glass and people are saying it's full and the rest of us are looking down and saying, "It looks mostly empty."

PAYING FOR THE DESERT SHIELD MILITARY OPERATION

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 1991

Mr. PENNY. Mr. Speaker, along with our colleagues BARNEY FRANK, JOLENE UNSOELD, TONY BEILENSON, CHARLIE RANGEL, and HENRY NOWAK, I am today introducing a concurrent resolution that expresses the sense of the Congress on paying for the Desert Shield military operation.

While the threat of hostilities and our concern for the young women and men serving in the gulf must continue to be uppermost in our minds, the Congress must also express its constitutional responsibility to determine appropriations for the military.

And with the release of Office of Management and Budget [OMB] and Congressional Budget Office [CBO] reports last month, the Congress and the American people have only recently become aware of the potential liability of Operation Desert Shield. CBO estimates expenditures at just over $1 billion per month, while OMB pegs the final costs closer to $15 billion per year. If hostilities were to begin, the Center for Defense Information and economist Henry Kaufmann estimate expenditures to increase to $450 to $500 million per day, or approximately $13.5 to $15 billion per month. During testimony before the House Budget Committee recently, Comptroller Charles Bowsher estimated the final cost of the desert operation at $130 billion in fiscal year 1991. Unfortunately, the Department of Defense refuses to release any official projected estimates of the costs associated with Desert Shield, and the administration has also refused to divulge our allies' contributions.

We do know that our allies, notably the Saudis, are reaping a windfall. By recent estimates, increased oil production will result in $13 to $60 billion in additional revenue for the kingdom this year. Our other allies, the Euro-

peans and Japan, who are more dependent on Middle East oil than the United States, have made only token contributions for the gulf operation.

With the deficit for the current fiscal year nearing $300 billion and with all the necessary funds for the gulf operation yet to be appropriated, the Congress must act to avoid a financial hemorrhage during a period of slowdown in the economy. The Congress must also keep faith with the budget agreement agreed to last year.

In keeping with the budget agreement and the new budget process, the resolution states that the costs of the desert operation must be equitably shared by our allies; and that in order to cover the financial costs to the United States of Operation Desert Shield that are not covered by allied contributions: First, reductions should be made in existing or planned military expenditures; and for any remaining cost, a surtax should be imposed on high-income taxpayers.

This course of action by the Congress will ensure that we do not borrow additional funds and increase the deficit to pay for the gulf operation and pass the burden of today's actions to future generations.

Mr. Speaker, I ask that a copy of the concurrent resolution be placed in the RECORD at this point:

H. CON. RES. —

Whereas the Congress fully supports the actions taken by the President and the members of the United Nations to defend Saudi Arabia, and demands that Iraq immediately withdraw from its illegal occupation of Kuwait; and

Whereas every diplomatic and economic initiative should be pursued to resolve the crisis in the Persian Gulf region brought on by such occupation: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the financial costs of Operation Desert Shield should be equitably shared by our allies; and

(2) to cover the financial costs to the United States of Operation Desert Shield that are not covered by allied contributions—

(A) first, reductions should be made in existing or planned military expenditures; and

(B) for any remaining costs, a surtax should be imposed on high-income taxpayers.

BRZEZINSKI SUPPORTS SANCTIONS OVER WAR IN THE GULF

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 1991

Mr. LAFALCE. Mr. Speaker, with 1 day remaining for Saddam Hussein to remove his troops from Kuwait or face a possible United States attack, I continue to firmly believe that at this time the United States should continue to vigorously enforce economic sanctions and pursue diplomatic negotiations. It should not engage in any offensive military action.

I submit for the RECORD the congressional testimony of Zbigniew Brzezinski, the former National Security Adviser under President Carter. He shares my views that diplomatic negotiations, coupled with severe economic sanctions, have a great potential to bring a peaceful and just resolution to this crisis; and at this time, war is not the answer.

STATEMENT BY ZBIGNIEW BRZEZINSKI BEFORE THE COMMITTEE ON FOREIGN RELATIONS, U.S. SENATE, DECEMBER 5, 1990

If I may, Mr. Chairman, I would like to begin with a brief personal comment. As many of you know, I supported President Bush in the 1988 elections and I have supported his foreign policy all the way along. Moreover, I do not subscribe to the notion that the use of force is altogether precluded in international affairs. I mention this because I would not want my views to be interpreted as motivated either by political or by ideological biases.

Let me also say right off that I have supported and still support the initial decisions of the President regarding both troop deployments to deter any further Iraqi aggression and the imposition of sanctions on Iraqi for the flagrant aggression that it did commit. The President and his team are to be commended for the skill with which the international coalition has been put together and for the impressively prompt deployment of American power. The policy of punitive containment of Iraqi rightly gained almost universal international and domestic support.

In examining the fateful choices that America now faces, I have divided my testimony into two parts in the first, I argue that war is not necessary because ongoing policy represents an effective response to Saddam Hussein's misconduct; and in the second I outline the issues that the Congress should, in my view, explore more fully, given the apparent Presidential inclination to go to war.

WAR IS NOT NECESSARY

Most Americans, I am sure, share the hope that the President's recent—and laudable—decision to initiate a direct dialogue with the Iraqi government will lead to a serious and comprehensive exploration of a non-violent solution to the ongoing crisis. Wisely, the President indicated that the purpose of such a dialogue is not to merely convey an ultimatum but to convince Iraq that its compliance with the U.N. resolution is the necessary precondition for a peaceful settlement. It is thus not an accident that those who so fervently have been advocating war have promptly denounced the President's initiative.

To be meaningful, such a dialogue has to go beyond demands for unconditional surrender and involve also some discussion of the consequences of Iraqi compliances with the U.N. resolutions. That means that Iraq, in the course of the ensuing discussions, will have to be given some preliminary indications of the likely political, territorial, and financial aftermath of its withdrawal from Kuwait. I stress these points because those who favor only a military solution will now exercise pressure on the President to reduce the incipient dialogue essentially to a mere transmittal of an ultimatum. That, I trust, everyone recognizes would be pointless and counter-productive. It would simply accelerate the drift to war.

While it is premature to detail here the substance of a non-violent solution to the crisis that could emerge from the proposed dialogue, it is possible to envisage a series of sequential but linked phases, all premises on Iraq having satisfied the necessary preconditions regarding Kuwait.

(i) coercive sanctions would be maintained until Iraq implements its willingness to comply with the U.N. resolutions regarding a withdrawal from Kuwait.

(ii) binding arbitration by a U.N.-sanctioned body within a specified timeframe would be accepted by the Governments of Iraq and Kuwait regarding territorial delimitation, conflicting financial claims, and other pertinent matters;

(iii) an international conference would be convened to establish regional limitations on weapons of mass destruction, pending which a U.N.-sponsored security force would remain deployed in Kuwait and perhaps in Saudi Arabia to ensure needed security.

It is important to note that any dialogue to the above effect would be conducted while Iraq is being subjected to severe sanctions. The U.S. would be therefore conceding nothing while conducting the talks. It is Iraq that is under duress, not us. It is Iraqi power that is being attrited, while ours is growing. It is Iraq that is isolated and threatened with destruction, not us.

Nor would any such outcome as the one outlined above be tantamount to rewarding aggression. Those who argue that do so because they desire only one outcome, no matter what the price to America: the destruction of Iraq. Withdrawal from Kuwait would represent a massive setback for Saddam Hussein and a victory for the international order. it would be a dramatic reversal of aggression, humiliating and painful to the aggressor.

However, it is quite possible, perhaps even probable that the talks will initially prove unproductive. In my view, that should not be viewed as a *Casus belli*. Instead, we should stay on course, applying the policy of punitive containment. The policy is working, Iraq has been deterred, ostracized and punished. Sanctions, unprecedented in their international solidarity and more massive in scope than any ever adopted in peacetime against any nation—I repeat, ever adopted against any nation—are inflicting painful costs on the Iraq economy.

Economic sanctions, by definition, require time to make their impact felt but they have already established the internationally significant lesson that Iraq's aggression did not pay. By some calculations, about 97% of Iraq's income and 90 of its imports have been cut off, and the shutdown of the equivalent of 43% of Iraq's and Kuwait's GNP has already taken place. This is prompting the progressive attrition of the country's economy and war-making capabilities. Extensive rationing is a grim social reality. Over time, all this is bound to have an unsettling effect on Saddam Hussein's power. And sanctions can—and should—be maintained until Iraq complies with the U.N. resolution, at which point (as noted earlier). there will have to be some negotiations regarding the modalities of the implementation of the U.N. resolution as well as the adjudication of the some of the related conflicting issues between Iraq and Kuwait.

The Administration's argument that the sanctions are not working suggests that in the first instance it had entertained extremely naive notions regarding how sanctions actually do work. They not only take time; they are by their nature an instrument for softening up the opponent, inducing in the adversary a more compliant attitude towards and eventual non-violent resolution. Sanctions are not a blunt instrument for promptly achieving total surrender.

Worse still, the Administration's actions and its rhetoric have conveyed a sense of impatience that in fact has tended to undermine the credibility of long-term sanctions.

Instead of projecting confident but patient resolution, the President's message has been one of frustration and of a desire to get it over with. Perhaps the Administration felt that this was necessary to convince Saddam Hussein that it meant business. But the consequence has been to make the Administration the prisoner of its own rhetoric, with American options and timetable thereby severely constricted.

The cumulative result has been to move the United States significantly beyond the initial policy of punitive containment, with the result that the conflict of the international community with Iraq has become over-Americanized, over-personalized, and over-emotionalized. The enormous deployment of American forces, coupled with talk of no compromise, means that the United States is now pointed towards a war with Iraq that will be largely an American war, fought predominantly by Americans, in which (on our side) mostly Americans will die—and for interests that are neither equally vital nor urgent to America and which, in any case, can be and should be effectively pursued by other, less drastic and less bloody means.

Let me amplify on that last point.

The Iraqi invasion of Kuwait required a response to three major challenges to our interests:

1. It threatened our access to reasonably priced oil supplies—a matter of vital and urgent interest—and hence a unilateral American military response to protect Saudi Arabia would have been justified, even to the point of waging war;

2. It affronted the international order through the annexation of Kuwait, a matter of concern to the entire international community, a transgression that truly deserves punishment and that must be undone—but it is not an issue that demands an urgent American military response ahead of the international community and largely at American cost;

3. It raised the question of the regionally destabilizing character of Iraq's military power, an issue of obvious long-range importance that should first be addressed, if possible, through an attempt at a broader regional accommodation and not now through a preventive war.

In my view, we have already had a resounding success in responding to the first challenge; the sanctions are a punitive response to the second and should therefore be maintained for as long as necessary; and in the process preconditions are being generated for the eventual resolution by the international community of the wider issue of regional stability, especially as Iraq is being economically weakened and Saddam Hussein's power is being gradually undermined. This is why I feel that there is no urgent or vital American interest to go beyond punitive deterrence. In a word, war is not necessary.

Yet to justify military action, the Administration, echoing the advocates of war, have lately been relying on the emotionally charged argument that we confront a present danger because of the possibility that Iraq may at some point acquire a nuclear capability. In other words, not oil, not Kuwait—but Iraq's nuclear program has become the latest excuse for moving towards war.

This argument deserves careful scrutiny. The nuclear issue is of particular and understandable concern to Israel and its friends. Many of those who argue for preventive war give this matter the highest priority and derive their case therefrom. It is obviously an issue not to be taken lightly.

Nonetheless, once subjected to closer scrutiny, this latest case for war also does not meet the tests of vitality or urgency to the American national interest. First of all, it is relevant to note that when the United States was threatened directly by the far more powerful and dangerous Stalinist Russia or Maoist China, it refrained from engaging in preventive war. Moreover, Israel already has nuclear weapons and can thus deter Iraq, while the United States has certainly both the power to deter or to destroy Iraq. Deterrence has worked in the past and I fail to see why thousands of Americans should now die in order to make sure that at some point in the future—according to experts, some years from now—Iraq does not acquire a militarily significant nuclear capability.

Second, it is within our power to sustain a comprehensive embargo on Iraq to impede such an acquisition. Unlike India or Israel, Iraq does permit international inspection of its nuclear facilities. This gives us some insight into its program. Moreover, much can happen during the next several years, including Saddam's fall from power. Hence the precipitation of war now on these grounds meets neither the criterion of urgency nor vitality.

More than that, war would be highly counterproductive to the American national interest. A war is likely to split the international consensus that currently exists, the United States is likely to become estranged from many of its European allies, and it is almost certain to become the object of widespread Arab hostility. Indeed, once started, the war may prove not all that easy to terminate, given the inflammable character of Middle Eastern politics. It could be costly in blood and financially devastating.

This prospect is all the more tragic because the United States would thereby be deprived of the fruits of its hard-earned victory in the Cold War. We stand today on the threshold of a historic opportunity to shape a truly cooperative world order, based on genuine cooperation and respect for human rights. Yet our over-reaction to the crisis in the Persian Gulf is now adversely affecting both our priorities and our principles.

On the level of priorities, some of the funds being spent on the greatest U.S. military overseas deployment since the landings in Normandy might be better spent addressing some of our domestic problems which for decades we have had to neglect. Moreover, we surely should be doing more to ensure the success of democracy in the post-communist countries—a stake of truly historic magnitude. A costly military action will divert us even further from the needed responses to these challenges.

On the level of principle, one cannot help but worry that we may be buying support for our military undertaking by sacrificing Lebanon for Assad's cooperation, the Baltic peoples for Gorbachev's, the Chinese dissidents for Li Peng's, and perhaps the Eritreans for Mengistu's. And we are doing so because in fact the international community is not pressing for military action, but the Administration wants to obtain that community's sanction so that it can argue at home on behalf of military action by pointing to the international support that the Administration has thereby marshaled.

THE DILEMMAS OF WAR

In any case, it is war that soon we may have to face because of the combined pressures resulting from Iraqi intransigence, the imposition of a deadline, the lack of patience in the application of sanctions, and the consequences of massive troop deployments. Given the possibility, therefore, that the United States might be plunged by a Presidential decision into a war with Iraq, I would urge this Committee to examine carefully in its deliberations, and to press the Administration for answers regarding the following three clusters of critically important issues:

1. What are the political limits and the likely geopolitical dyanmics of war, once the President decides to initiate it?

For example, one has to be concerned that the use air power in order to mitigate casualties for U.S. ground forces will require the killing not only of the hostages but also of thousands—perhaps tens of thousands or even more—of Iraqi civilians, who are not to be held responsible for Saddam Hussein's flagrant misconduct. I wonder if this is politically viable, in terms of the longer-range relationship of America with the Moslem world. And is it morally admissible?

It is also not clear to me how the Administration envisages the termination of the war. Are we to expect a total surrender or are we counting on a negotiated outcome, after a spasm of violence? If a complete military victory becomes necessary, are we prepared to occupy all of Iraq, including the huge city of Baghdad? Are we logistically prepared for a war that is not promptly resolved by air power, and are we psychologically for heavy American casualties?

Also, once war begins, Iran and Syria may not remain passive and the war could thus spread. One has to anticipate the possibility that Iraq will seek to draw Israel into the war. Does the Administration have a contingency plan in the event that Jordan becomes a battlefield? What might be the U.S. reaction if some Israeli leaders seek to take advantage of an expended war to effect the expulsion of all Palestinians from their homes on the West Bank? The Gulf crisis and the Arab-Israel conflict could thus become linked, our efforts to the contrary notwithstanding.

I believe the Administration is paying insufficient attention to these inherent uncertainties of war. The war could prove more destructive, more bloody, and more difficult to terminate than Administration spokesmen—not to speak of sundry private advocates of war—seem to think. I also believe the Administration has not given sufficient thought to the geopolitically disruptive consequences of a war in a region that is extraordinarily incendiary. An American military invasion of Iraq would be likely to set off a chain reaction that could bog America down in a variety of prolonged security operations, in a setting of intensified political instability.

2. What are the likely broader after-effects of the war?

The Administration is yet to move beyond vague generalities regarding its concept of the postwar Middle East. Yet considerable anxiety is justified that subsequent to the war the United States might not be able to extricate itself from the Middle Eastern cauldron, especially if in the meantime the Arab masses have become radicalized and hostile to the Arab regimes that endorsed the U.S. Military action. How will that affect America's global position? I would think it likely that, with the United States embroiled in the Middle Eastern mess for years to come, both Europe and Japan—free to promote their own agendas—will pursue the enhancement of their economic power. In the region itself, it is probable that fundamentalist Iran will become the dominant power in the Persian Gulf, and that terrorist Syria will inherit the mantle of leadership among

the Arabs. It is also possible that the destruction of Iraq by America and the resulting radicalization of the Arabs might leave Israel, armed as it already is with nuclear weapons, more tempted to use its military force to impose its will in this volatile region. How will all this affect the area's sensitive balance of power?

I believe that none of the above possible developments would be in the American interest. Yet I do not sense that sufficient strategic planning has been devoted by the Administration to an analysis of the wider shock effects of a war that is bound to be exploited by other parties for their own selfish ends.

3. Finally what is being done to ensure that the war's burdens and sacrifices are more fairly distributed among its potential beneficiaries or participants?

One cannot help but be struck by the relatively limited contributions of our allies. Moreover, as I understand it, some states with forces in Saudi Arabia have indicated that they will not participate in offensive operations. The American public certainly is not satisfied with the financial support extended by Germany and Japan. Is the Administration satisfied? What additional financial contribution can be expected from the Saudis and the Kuwaitis? It is noteworthy that Saudi Arabia has already benefited very substantially from the oil crisis, and that the Emir of Kuwait and his family are in the forefront of those arguing for Americans to initiate military action. Are we thus—despite all of our rhetoric about "the new international order"—not running the risk of becoming the mercenaries in this war, applauded and financed by others to do the fighting and the dying for them?

I believe that is already evident that the principal sacrifices of war—both financial and in blood—will in fact have to be borne by America, and to a massively disportionate degree. Such evident unfairness will inevitably have a very adverse impact on American attitudes towards its allies, with deleterious consequences for American public support for the so-called "international order".

These are tough issues. And unless the Administration responds to them satisfactorily, the war will lack domestic support while generating polarizing political passions. Even worse, unless the Administration thinks hard about such questions, it could embark on a course deeply damaging to our national interest.

Mr. Chairman, let me conclude with a word about the lessons of history. It is important to apply them with a sense of proportion. To speak of Saddam Hussein as a Hitler is to trivialize Hitler and to elevate Saddam. Iraq is not Germany—but a middle-sized country, on the scale of—say—Rumania, dependent on the export of one commodity for most of its income, unable on its own either to fully feed itself or to construct its own weapons. It is a threat to regional peace—a threat with wider global economic implications—but it is a threat we can contain, deter, or repel, as the situation dictates.

Therefore, in my view, neither an American war to liberate Kuwait nor a preventive war to destroy Iraq's power is urgently required, be it in terms of the American national interest or of the imperatives of world order. President Bush's initial commitment to punish Iraq and to deter it remains the wisest course—and one which this nation can resolutely and in unity sustain over the long haul. By any rational calculus, the tradeoffs between the discomforts of patience and the costs of war favor patience. Both time and power are in our favor—and we do not need to be driven by artificial deadlines, deceptive arguments, or irrational emotion into an unnecessary war.

THE FAIRNESS IN BROADCASTING ACT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 1991

Mr. DINGELL. Mr. Speaker, today I am reintroducing, together with Mr. MARKEY, a bill to codify the fairness doctrine. As many will recall, the Federal Communications Commission voted to repeal the fairness doctrine in 1987. That decision was contrary to the will of the Congress, and was the subject of legislation to reinstate the doctrine almost immediately. Regrettably, President Reagan vetoed the legislation, and as a result broadcasters are no longer required to abide by this important policy.

The fairness doctrine consists of a relatively simple set of requirements for broadcasters. First, it contains a requirement that broadcasters address significant issues of public importance. Second, it requires that when doing so, broadcasters must treat issues fairly. It is a minimal safeguard against abuse by those who have been given broadcast licenses by the Government, and is a policy supported by many broadcasters themselves.

Mr. Speaker, the House has voted repeatedly to codify the fairness doctrine. Support for this measure has been bipartisan, reflecting the strong support for the doctrine from people as far apart as Ralph Nader and Phyllis Schafly. It is my hope that we will be able to put this issue behind us this year, and move on to deal with the many other important issues that face telecommunications policymakers.

GERMAN PROFESSORS APPEAL FOR A PEACEFUL SOLUTION TO THE PERSIAN GULF CRISIS

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 1991

Mr. DELLUMS. Mr. Speaker, I recently received the following message calling upon President Bush to exercise every possible effort to obtain a political solution to the crisis caused by the Iraqi invasion of Kuwait.

This message, subscribed to by some 400 professors representing 90 different disciplines at German universities, suggests that war would result in the deaths of "thousands of soldiers, many of them American, and also large numbers of women and children would be killed * * * "

These educators continue, Mr. Speaker, to state that, "We condemn in the most decisive terms possible the aggression and breaches of human rights perpetrated by the Iraqi regime. The correct response to its crimes, however, is not a war whose sheer extent would make it a crime of a far greater order."

I am in agreement that, in order to save even one life, not to mention the thousands sure to perish in war with Iraq, we must leave no stone unturned. As I suggested to President Bush in a recent letter, we should not even rule out personal efforts by our Nation's leader to mediate this confrontation before making the grave and profound choice of armed intervention.

The text of the professors' appeal follows, Mr. Speaker, and I commend their plea to the attention of the membership.

DECEMBER 19, 1990.

HON. GEORGE BUSH,

To the President of the United States of America.

DEAR MR. PRESIDENT: We hereby present to you an Appeal on the Gulf Crisis signed by some 400 professors from 90 different disciplines at various German universities.

Our appeal is directed also to the Congress of the United States of America. In the Federal Republic of Germany we intend to present our views to the Ambassador of the United States of America and to inform the Federal Government.

With our highest appreciation we remain.

Yours Sincerely,

Prof. Dr. K. Bonhoeffer, Prof. Dr. H.E. Richter, Prof. Dr. A. Buro, Prof. Dr. M. Stohr, Prof. Dr. A. Flitner.

AN APPEAL TO THE PRESIDENT AND CONGRESS OF THE UNITED STATES OF AMERICA

This appeal is directed to you by citizens of Germany—a country from which, half a century ago, a criminal dictator precipitated the world into the carnage of the Second World War. At that time, there was no viable institution such as today's United Nations and hence no measure such as a united trade embargo to bring this inhumane regime to its knees by non-military means.

Now that the East-West conflict has been overcome, the world community of nations for the first time has the power to counter aggressors by concerted sanctions. It seems quite out of the question that Saddam Hussein can, in the long term, withstand the pressure of the effective economic blockade decided on and enforced by UN resolution.

And yet the world is at present witnessing the preparations for an international war—a war in which thousands of soldiers, many of them American, and also large numbers of women and children would be killed, a war which would unavoidably affect millions upon millions of people and nations outside the immediate area, and which would inflict incalculable damage upon the ecology. The fact that the likely deployment by Iraq of chemical weapons has been made possible by exports from, of all sources, our own country is something which fills us as Germans with shame.

We condemn in the most decisive terms possible the aggression and breaches of human rights perpetrated by the Iraqi regime. The correct response to its crimes, however, is not a war whose sheer extent would make it a crime of a far greater order.

In this situation we appeal to you with all urgency to seek, hand in hand with the United Nations, not a military but a political solution in the Gulf—a solution which would at one and the same time move forward the peace process in the entire Middle East region. The USA, as a world power, should at the earliest possible opportunity seize the initiative for a Middle East peace conference.

A peaceful solution, we believe, entails that the withdrawal of Iraqi troops from Ku-

wait be facilitated by the other side—through an immediate withdrawal of those troops stationed for offensive purposes.

We urge you to prevent, come what may, the catastrophe of a war which—quite apart from its terrifying consequences for human life, the ecology and the economy—would be a relapse into the militaristic power thinking which has hitherto deprived humankind of the physical and moral energy required to jointly combat both mass poverty and the deadly threats to our environment.

For the initiators,
Prof. HORST-EBERHARD RICHTER.
Prof. ANDREAS FLITNER.

EVENT IN LITHUANIA

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 1991

Mrs. MORELLA. Mr. Speaker, I am deeply concerned by the recent tragic turn of events in Lithuania, and I condemn the Soviet Union's suppression of Lithuania's democratically elected government.

Only last week, I joined with a number of my colleagues in writing to President Bush and to the Soviet Ambassador to protest the deployment of Soviet troops to the republics. We especially expressed our concern to the Ambassador that Moscow was abandoning its commitment to glasnost and perestroika, and warned of the consequences for United States-Soviet relations if steps were not taken to resolve this matter nonviolently. Unfortunately, it would appear that former Soviet Foreign Minister Eduard Shevardnadze's warning of a reactionary crackdown in the republics was accurate.

The Soviet Union's attack on nonviolent protesters and their chosen government warrants a strong United States response. A suspension of current American assistance to the Soviet Union would demonstrate that we will assist President Gorbachev only if he remains committed to restructuring his economy and respecting democratic freedoms. That commitment would be best demonstrated by an announcement from President Gorbachev that he will reopen a dialogue with elected leaders in Lithuania.

Currently, President Bush is scheduled to hold a summit with Gorbachev next month. I hope that he will use that occasion to express the depth of American concern regarding these events, and to warn of the consequences for United States-Soviet relations.

RECOGNIZING ROBERT M. DIVELY

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 1991

Mr. CLINGER. Mr. Speaker, I would like to take this opportunity to recognize a constituent of mine, Mr. Robert M. Dively of Port Matilda, PA.

I recently received a letter from Mr. Dively in which he included a poem he wrote in tribute to the U.S. flag. Written on July 4, 1990, Mr. Dively creatively reminds us through his rhyme of the true meaning and glory imbedded in this symbol of our Nation. It has been published in local papers and was also given a 4th place award in world competition. I am very pleased to recognize Mr. Dively for his accomplishments and to publish his poem here for all to enjoy.

I AM YOUR FLAG

I rose high after many battles, by those who shared my pride,
Their weary eyes came wet with tears as we remembered those who died.
Children pledge my radiant colors as the school day does begin
and I hope their learning of the day will remember where I've been.
I adored the soldier and his God as he carried me place to place
and I hate those who burn me and try to shame my face.
To some I am not important and my past is soon forgot
but most know my true symbol and they will scorn me not.
My dream is for the future where all will live in trust,
as my waving arms reach out to those whose bodies turn to dust.
I am just a cloth of colors designed by those who cared to share
the hardships of our free land, the bravery and the dares.
Draped over a lonely casket my thoughts run long and deep
as I'm handed to a sad kin who tries to hold a weep.
In the many times of trouble I am lifted to the sky
and the famous who have honored me half mast will never die.
Tired and weary as I am I still remain the same
and as long as liberty has respect the fools will make no gain.
Freedom had its deadly price, which I am its very bound
and I pray to God in heaven a lasting peace will soon be found.

—Written July 4, 1990,
ROBERT M. DIVELY.

REPRESSION IN BALTICS MUST STOP

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 1991

Mr. BROOMFIELD. Mr. Speaker, yesterday Soviet troops opened fire on unarmed civilians in Lithuania. This unprovoked assault led to the death or injury of numerous innocent people whose only crime was the desire for democracy.

Today, in Latvia, we saw the continuation of the Soviet crackdown in the Baltic Republics. Soviet elite troops stormed a police building beating the Latvian cadets inside and seizing their weapons. This escalation of violence and repression by Communist authorities cannot be allowed to continue.

President Gorbachev contends that he did not order the recent violence in Lithuania and Latvia. While this may or may not be true, he certainly created the environment in which it took place. He must be held accountable for these actions.

I fear that the world has watched passively as Gorbachev consolidated the powers of State control to a degree only surpassed by Josef Stalin. Will he now use this power to destroy the perestroika and glasnost which he created?

In the past year the world has seen a tragic and violent mistake by a dictator in the Middle East. I strongly urge President Gorbachev to avoid calling down the same world reaction on his Government. The repression must halt, the Soviet troops must be withdrawn, and a negotiated settlement must be found, or relations between our two nations will suffer immeasurably.

THE ANNIVERSARY OF THE BIRTHDAY OF REV. DR. MARTIN LUTHER KING, JR.

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 1991

Mrs. COLLINS of Illinois. Mr. Speaker, I address this body today with mixed emotions. On one hand, I am proud to stand here and offer a tribute to one of the great leaders of this Nation and an outstanding peace activist, the Reverend Dr. Martin Luther King, Jr., who would have turned 62 today. On the other hand, I am distressed by the events in the Persian Gulf and the fact that the President has chosen this day of all days, to draw the line in the sand for Iraq's Saddam Hussein.

Dr. King devoted his life to the quest for equality, justice, and peace. It is a sad irony that on the day we celebrate the birth and the life work of a world renowned humanitarian, we may fire the first strike in what will be a deadly, devastating war.

Most of use are well aware of Dr. King's efforts to help this country overcome the devisiveness of hatred and bigotry, and to become, instead, a Nation united under the banner of humanity.

Less well known is that, especially in the last few years of his life, Dr. King was also committed to a peaceful and expeditious resolution to United States involvement in the Vietnam war. I dare say that if Dr. King were alive today, he would be a vociferous opponent of both the military aggression of Saddam Hussein and of the move toward war by the United States.

Dr. King opposed the war and endured a great deal of criticism for his position. But he saw that the war in Vietnam and the struggle for civil rights here were inextricably linked. Among the difficulties Dr. King had with the Vietnam war, he could not answer the questions posed to him by black GI's. They asked why they should fight—and perhaps die—alongside white soldiers, against a people who had never hurt them, for peace and justice in a nation thousands of miles away. Because when these black GI's returned home to America they would not enjoy the full rights and privileges of citizenship as those same

white soldiers, nor enjoy the freedoms that they were fighting to uphold for those people so far away.

Dr. King was a minister by profession, one who believed in and taught the sanctity of all human life. Building on this tenet, he noted in a speech in April 1967 that he felt that the Nobel Prize for Peace, which he was awarded in 1964, placed a responsibility on him to work toward peace for all mankind. Were our goals in Vietnam—or in the Persian Gulf—worth 1, 100, or 1,000 of our sons and daughters?

As a minister, Dr. King was also concerned about the spirit and soul of people and nations. He was concerned about the massive doses of violence the United States was heaping upon the people of Vietnam. He worried that the violence of the war itself and the way it was tearing apart families and friends here at home were "poison[ing] America's soul" and this was too heavy a toll to take on the Nation.

It is sad to note that just 24 years after Dr. King raised our consciousness about the war in Vietnam, we are again looking at United States involvement in another round of military hostilities. Now more than ever, we need to reflect on the life and teachings of Dr. King and his message of nonviolent change. Now more than ever, we need to heed the call for restraint and deliberation.

ADMIRAL CROWE ON U.S. POLICY IN THE GULF

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 1991

Mr. LaFALCE. Mr. Speaker, with the U.N. deadline for the Iraqi withdrawal from Kuwait 1 day away, I continue to work and hope for a peaceful solution to the crisis. I believe that there is no quick solution to this issue that an offensive military action by the United States, at this time would be premature.

I submit for the RECORD the following congressional testimony by Adm. William J. Crowe, Jr., USN (Ret). Admiral Crowe served as the Chairman of the Joint Chiefs of Staff under Presidents Reagan and Bush; and he shares my views that economic sanctions should be given more than 5 months to have an impact. In addition, he notes that deposing Saddam Hussein will not be a panacea for the problems in the Middle East.

STATEMENT BY ADM. WILLIAM J. CROWE, JR., USN (RET.) BEFORE THE COMMITTEE ON ARMED SERVICES U.S. SENATE, NOVEMBER 28, 1990

Mr. Chairman, given U.S. interests in the Persian Gulf and Saddam Hussein's brutal takeover of Kuwait, the subject of U.S. policy in the region is of the utmost importance to all Americans.

Mr. Chairman, I do have some preliminary remarks I would like to make. Due to the press of time these will not deal with all aspects of the subject, but concentrate largely on the impact of the crisis on the gulf region. I assume, of course, the question period will range over the entire spectrum of considerations.

You would think we would have had a decent interval to celebrate the end of the Cold War and the vindication of our policies and values. But the recent events in the Middle East have demonstrated that the globe is still a dangerous place and that new threats may well replace the United States-Soviet contest.

Our difficulties with Iraq certainly suggest the type of challenge the new world may confront.

The most distinguishing feature of our disagreement with Iraq is that the Soviets are not backing Saddam Hussein. For the first time in 40 years we are confronting a major international crisis and not working at cross purposes with the Kremlin. This development has given the President an unprecedented latitude for maneuver and, in turn, severely constrained Baghad's options. This is the first time a post-war President has had such a luxury.

President Bush has taken full advantage of the new-found maneuvering room. He reacted quickly and, in my opinion, correctly, to constrain Hussein militarily to defend Saudi Arabia and to clamp a tight economic quarantine on Iraq.

Some of the major important early achievements were ones that the President had a large hand in himself, e.g., gaining access to Saudi Arabia for our forces (a previously unheard of concession), forging a rough political consensus among the leaders of NATO, the USSR and Japan, and encouraging a pan-Arab military effort in support of Saudi Arabia. We are for the time being, witnessing a remarkable display of collective political and financial support which is unprecedented in the post-war era. President Bush deserves full credit for this achievement.

Militarily, the United States has mounted an impressive deployment—with air, sea and ground forces. No other nation in the world could have in 60 days moved this size force 8,000 miles and put it in the field—not to mention the rather trying climate and topography in which it must operate. On balance the original deployment went extremely well.

As to the economic embargo, it is the first time we have been able to mount truly unified sanctions. No embargoed material is moving into Iraq by sea, and the air blockade is proving relatively effective. Undoubtedly there is some leakage—probably on the ground from Jordan and Iran—but I know of no significant breaks in the encirclement.

It is important to recognize what has been achieved thus far:

Some pundits contend that Saddam Hussein's primary goal is to control the bulk of the Middle East oil and to dictate the price of crude to the West. If that is correct, any such design has been frustrated. He has been served clear notice that he will not be allowed to capture the Saudi oil fields either now or in the future. A definite line has been drawn constraining him and his inflated ambitions.

The increased oil income Saddam had in mind has not materialized. In fact, Baghdad has forfeited 20 billion dollars of foreign exchange earnings a year and as Secretary Schlesinger pointed out, this figure would be $30 billion at the current oil price. In a country the size of Iraq that is not chopped liver.

Moreover, it has been graphically demonstrated that the West can live rather well without Iraqi and Kuwaiti oil. Granted some special areas of refined products are strapped, but those deficiencies are not having a heavy impact on the industrial nations. Frankly, the price swings we see have been generated as much by psychological factors as by supply and demand. We have been impacted by these oscillations, but fortuitously the bill has already been paid as the market has adjusted. Iraq cannot make that claim.

The embargo is biting heavily. Given the standard of living Iraq is used to and the increasing sophistication of Iraqi society, it is dead wrong to say that Baghdad is not being hurt; it is being damaged severely. That goes for the Iraqi military as well, which depends on outside support. Yesterday Secretary Schlesinger elaborated on these impacts. Iraq's civilian production has declined by 40 percent, exports earnings have sharply dropped, and economic flexibility is rapidly disappearing. Military industry will likewise be hit. It is the most effective peacetime blockade ever levied.

Granted that the embargo is not working as rapidly as many would prefer; but if we wanted results in two or three months, clearly a quarantine was the wrong way to go about it. Most experts believe that it will work with time. Estimates range in the neighborhood of twelve to eighteen months. In other words, the issue is not whether an embargo will work, but whether we have the patience to let it take effect.

Ultimately these trends will translate into political pressure. I genuinely believe we are already seeing the first signs that Saddam Hussein is seeking a way out—a face-saving way to withdraw.

Moreover, the logistic support that Iraq used to enjoy will never return to the past levels of generosity, if at all. Hussein has excited the resentment, contempt and suspicion of the nations he historically depended upon. In essence, under no circumstances can Iraq return to the world it left on August 2 and when the dust clears we must reinforce that outcome.

In sum, the President's initial moves have already achieved a great deal. The argument that Saddam is winning and being rewarded is both weird and wrong. Obviously this fact is often overlooked by those calling for more direct action.

It is true that the trauma is by no means over. The burning question now confronting the President (as well as the public) is what next? This is no mean question nor is it an easy one. In its most extreme form, we are talking about deliberately initiating offensive military operations—in other words, war. This is always a grave decision and one which deserves both deep thought and wide public discussion.

If Saddam Hussein initiates an attack on Saudi Arabia or U.S. forces, we have no choice but to react vigorously and to use force to bring Iraq to heel. I believe such a response would be defensible and acceptable to all constituencies, domestic and international. For that reason alone it is unlikely that Saddam Hussein will initiate further military action. Certainly everything we see to date suggests he is hunkering down for the long haul. If that prediction proves correct, President Bush will be confronted with some painful choices.

If deposing Saddam Hussein would sort out the Middle East and permit the U.S. to turn its attention elsewhere, and to concentrate on our domestic problems, the case for initiating offensive action would be considerably strengthened.

But the Middle East is not that simple. Put bluntly, Saddam's departure or any other single act will not make everything wonderful. In fact, a close look at the Middle East is rather depressing. While we may wish it otherwise, the fact is that the region has been, is, and will be for the foreseeable fu-

ture plagued with a host of problems, tensions, enmities, and disagreements. For example:

The Arab-Israeli dispute is alive and well. To say the least the Palestinians have been irrevocably alienated by the Israeli government's policies. There will never be true stability in the area until this dispute is sorted out.

As Henry Schuler phrased it, "Neither the feudal monarchies nor the oppressive dictatorships enjoy the stability of an institutionalized popular mandate of political participation." This suggests that political maturity, hence stability, is still a long way off.

Income differences on both national and individual levels are a constant source of tensions and envy throughout the region. I lived in the Gulf in 1976 and 1977 and witnessed this friction at close hand.

Moslem fundamentalism is spreading and the process highlights the cultural, religious and ethnic differences that abound in the area as well as the widespread distrust of the West.

Boundary disputes are legion: Qatar vs. Bahrain, Abu Dhabi vs. Oman and Saudi Arabia, Yemen vs. Saudi Arabia, Kuwait vs. Iraq.

U.S. links to Israel and the dominant position of American oil companies have turned large segments of the Arab world against the U.S. in particular.

The current crisis has divided the moderate Arab states for the first time, e.g., Saudi Arabia has now split with Jordan and Yemen (now the most populous state on the peninsula at 10+ million) over their support for Iraq. This does not bode well for the cause of stability or pluralism—both of which U.S. interests.

These frictions—singly or collectively—have resulted in a succession of explosions, assasinations, global terrorism, coups, revolutions, producer embargoes, and full scale war on occasion. Secretary Schlesinger summed it up when he said the non-combat costs or recourse to war will be substantial.

Like it or not, the process of bringing stability to the Middle East will be painful and protracted with or without Saddam Hussein.

Moreover, the U.S., both as a leader of the free world and as the world's number one consumer of crude oil, will be integrally involved in the region, politically and economically, for the foreseeable future—just as we have been for the past forty years. It may not make us comfortable, but there is no way we can avoid this burden; it comes with our affluence and global reach.

This reality suggests that anything we do in that part of the world should be consistent with our past policies and our future role as an international leader. Put another way, today's problem is a great deal more complex than merely defeating Saddam Hussein.

In my view, the critical foreign policy questions we must ask are not whether Saddam Hussein is a brutal, deceitful or dreadful man—he is all of those things—but whether initiating conflict against Iraq will moderate the larger difficulties in the Gulf region and will put Washington in a better position to work with the Arab world in the future. I would submit that posturing ourselves to promote stability for the long term is our primary national interest in the Middle East.

It is not obvious to me that we are currently looking at the crisis in this light. Our dislike for Hussein seems to have crowded out many other considerations.

In working through the problems myself, I am persuaded that the U.S. initiating hostilities could well exacerbate many of the tensions I have cited and further polarize the Arab world.

Certainly many Arabs would deeply resent a campaign which would necessarily kill large numbers of their Muslim brothers and force them to choose sides. From the Arab perspective this fight is not simply a matter between bad and good; it's a great deal more complex than that and includes political and social perspectives deeply rooted in Arab History. The aftermath of such a contest will very likely multiply many fold the anti-America resentment in the Middle East. In essence we may be on the horns of a nowin dilemma, even if we win we lose ground in the Arab world and further injure our ability to deal with the labyrinth of the Middle East.

I firmly believe that Saddam Hussein must leave Kuwait. At the same time given the larger context I judge it highly desirable to achieve this goal in a peaceful fashion, if possible. In otherwords, we should give sanctions a fair chance before we discard them. I personally believe they will bring him to his knees, but I would be the first to admit that is a speculative judgment. If in fact the sanctions will work in twelve to eighteen months instead of six months, the trade-off of avoiding war with its attendant sacrifices and uncertainties would, in my view, be more than worth it.

A part of this effort, however, must be a strong military posture both to underwrite our determination and to give effect to the embargo. Of course, it may be necessary to return to a rotation policy to sustain such a presence. If the sanctions do not live up to their promise or if they collapse, then a military solution would be the only recourse, and we would be well placed to mount such a campaign. In any event, I am convinced that such an action will be much better received if we have visibly exhausted our peaceful alternatives.

If we elect a military option, I have utter confidence that our forces can prevail. It will not be cost free, of course. Casualties and the time schedule will depend on innovation, our military objectives and Iraqi determination. We cannot assume that Iraq will roll over.

Let is say a word about our objectives. It was my experience as Chairman that to get decision-makers to settle on specific military objectives was difficult at best. There is a strong tendency to talk in generalities when contemplating combat, but that is not satisfactory. In this case, what would we expect our commanders to do—drive to Baghdad, free Kuwait, destroy Iraqi forces, eliminate his nuclear capability, or all of the above, etc. The character of your objectives influences the whole operation and you tactical plans. The more ambitious the goals are the less likely a peaceful solution can be found, the greater the casualties, the lengthier the campaign, and the more difficult postwar reconstruction. I would strongly advise that our combat objectives run along these lines.

An intense air campaign aimed at disrupting his war-making industry—including nuclear installations, conventional warfare, and biological weapons facilities.

A subsequent ground campaign designed:

To cut off Kuwait and subsequently free it and

To destroy the effectiveness of the Iraqi forces both in Kuwait and on the southern border of Iraq.

I recognize that some would consider those objectives too limited. I disagree. These goals, if achieved, would deal Saddam Hussein a crushing political and military blow and dispel any further ambitions he might have to dominate either the Middle East or the global oil market. The point is to succeed with minimum effort, casualties, and political cost.

I understand that many believe our troops, our people and our allies don't have the necessary patience to wait out the quarantine. Militarily we have already lost the element of surprise; Saddam Hussein knows we are there. I believe our relative military position improves every day. It's curious that some expect our military to train soldiers to stand up to hostile fire, but doubt its ability to train them to wait patiently.

I am aware, of course, that many are concerned about the task of holding the domestic and international consensus together. While there will be grumbling, I believe the bulk of the American poeple are willing to put up with a lot to avoid casualties a long way from home. Similarly, I cannot understand why some consider our international alliance strong enough to conduct intense hostilities but too fragile to hold together while we attempt a peaceful solution. Actually, I sense more nervousness among our allies about our impetuousness than about our patience.

In closing, I would make a few observations that perhaps we should keep in mind as we approach this process:

Using economic pressure may prove protracted; but if it could avoid hostilities or casualties those are also highly desirable ends. As a matter of fact, they are also national interests.

It is curious that, just as our patience in Western Europe has paid off and furnished us the most graphic example in our history of how staunchness is sometimes the better course in dealing with thorny international problems, armchair strategists are counseling a near-term attack on Iraq. It is worth remembering that in the '50s and '60s, similar individuals were advising an attack on the USSR—wouldn't that have been great?

Time often has a way of achieving unexpected results. Already there are reports that the Palestinians in Kuwait, having witnessed Saddam's cruelty, are turning away from him and that others in Jordan are also having second thoughts. I am reminded how time changed the Panamanian population's view of Noriega. Autocrats often have a talent for alienating even friends and supporters.

Mr. Chairman, it may be that Saddam Hussein's ego is so engaged that he will not bend to an embargo or other peaceful deterrents such as containment. But I believe we should thoroughly satisfy ourselves that that is in fact the case and that hostilities would best serve our interests before resorting to unilateral offensive action against Iraq. It would be a sad commentary if Saddam Hussein, a two-bit tyrant who sits on 17 million people and possesses a GNP of $40 billion, proved to be more patient than the United States, the world's most affluent and powerful nation.

A TRIBUTE TO THE DISTINGUISHED CAREER OF MAYOR LIONEL J. WILSON AND COMMENDING HIM ON HIS MERITORIOUS SERVICE TO THE CITIZENS OF OAKLAND

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 1991

Mr. DELLUMS. Mr. Speaker, I rise today to commemorate the dedicated and truly committed career of Mayor Lionel J. Wilson. Mayor Wilson's career of public service has been marked by extraordinary progress in achieving the goals of the Oakland renaissance and in the achievement of our hopes for a wonderful and prosperous future for the city of Oakland, CA.

Mayor Wilson has served the citizens of Oakland from July 1977 to January 1991. His 13 years of outstanding accomplishment are characterized by responsible leadership and compassion for the citizens of our city. Mayor Wilson's legacy includes over $1 billion in completed major construction projects, the nationally recognized Interagency Council on Drugs, a revitalized Oakland Private Industry Council, and community involvement in the University of California-Oakland Metropolitan Forum, the Coliseum Commerce Center Corp., the Minority/Community Equity Participation Task Force, the mayor's Hunger Relief Program, the mayor's Tennis Excellence Program, the mayor's Summer Jobs Program, the mayor's Trust/Earthquake Relief Fund, and the mayor's Toy Drive; all of which has improved the quality of life for our citizens and is a model for our Nation's cities.

Thank you, Mr. Speaker for this opportunity to address the House in celebration of Mayor Lionel J. Wilson's exemplary career of service to his community and Nation.

FREEDOM OF CHOICE ACT PROVIDES NATIONAL STANDARD

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 1991

Mr. EDWARDS of California. Mr. Speaker, on January 3, the first day of the 102d Congress, I introduced H.R. 25, the Freedom of Choice Act, with a bipartisan group of over 80 Members of the House. Today, that number has grown to 100, with more cosponsors being added each day.

One of the first to sign on as a cosponsor was the gentleman from California, Congressman TOM CAMPBELL. Our colleague was also a persuasive witness in behalf of the bill at hearings held last year by the Subcommittee on Civil and Constitutinal Rights, which I chair.

In an insightful commentary in the Country Almanac of Menlo Park, CA, Congressman CAMPBELL sets forth the reasons why enactment of the Freedom of Choice Act is imperative.

As our colleague notes,

Women need a more solid assurance of their right to choose. They need to know that their right to choose an abortion cannot be instantly overturned by a Supreme Court decision.

Enactment of H.R. 25 would provide that assurance. The Subcommittee on Civil and Constitutional Rights intends to make passage of the Freedom of Choice Act a high priority for the 102d Congress. As work on this important legislation continues, I very much appreciate the support of the gentleman from California, and I call to the attention of my colleagues his thoughtful comments.

The article follows:

[From Country Almanac, Dec. 26, 1990]

FREEDOM OF CHOICE PROPOSAL NEEDS TO HAVE HIGH PRIORITY

(By Congressman Tom Campbell)

For almost two decades, we who favor a woman's right to choose an abortion allowed ourselves to become perhaps a bit too complacent. After the Supreme Court's decision in *Roe* v. *Wade*, we were comforted by the knowledge that every woman in America could make her own choice.

But the Supreme Court's decision in *Webster* last year woke us up. We were given a harsh reminder that abortion rights rested on a single Supreme Court decision—a decision many constitutional scholars were predicting would be soon overturned. We were reminded that the right to choose hangs by little more than a judicial thread.

Women need a more solid assurance of their right to choose. They need to know that their right to choose an abortion cannot be instantly overturned by a Supreme Court decision.

The solution lies in federal legislation. A well-drafted bill would be much less likely ever to be overturned by a court decision. It would give permanent, statutory assurance of the right of choose.

The Civil and Constitutional Rights Subcommittee of the House Judiciary Committee recently held hearings on a bill that would do just that. I was pleased to have the opportunity to testify in favor of that bill. H.R. 3700, the Freedom of Choice Act. The bill would guarantee the right of any woman in America to choose an abortion at any time before fetal viability or whenever her life is in danger.

The bill, sponsored primarily by my colleague, Rep. Don Edwards of San Jose, and co-sponsored by 127 other members, would be a national solution, not a piecemeal, state-by-state approach. If passed, the Freedom of Choice Act would be the most solid assurance we could give a woman that her right to choose would not be taken away.

While there is little likelihood the Freedoms of Choice Act will be enacted this year, it should become a top priority for pro-choice advocates in the coming years. For those of us who are working for choice, this is the most important battle we must fight.

Polls show that the American people strongly support the right to choose. We need to translate that support into statutory assurance that no woman's right to an abortion will be taken away.

UKRAINIAN INDEPENDENCE DAY

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 1991

Mr. CARDIN. Mr. Speaker, January 22 will mark the 73d anniversary of Ukrainian Independence Day. I am honored to join over 1½ million Ukrainian Americans in celebrating the spirit of freedom within the Ukraine.

Amidst the dynamic changes occurring in Eastern Europe and the Soviet Union, Ukrainian Independence Day is a particularly important occasion. We will continue to work for the promise of glasnost and perestroika to be realized in freedoms to be enjoyed by all Ukrainians. We pray for a government receptive to open and productive dialog rather than confrontation and violence.

The unique cultural identity of the Ukraine is a source of pride to the more than 50 million Ukrainians all over the world. On January 22, we extend best wishes and thanks to the Ukraine for its important contributions to the world in the visual arts, folk music, religion, world view, literature, physical sciences, architecture—but above all the Ukraine's greatest contribution: Her people.

DIVIDED WE FALL

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 1991

Mr. EMERSON. Mr. Speaker, our identity as Americans is indeed difficult to define. We come in every size, shape, color, and culture. We have different interests; we eat different foods. But through it all, there is something that makes each of us American.

As a nation of immigrants, we have assembled possibly the most diverse society in the world; still, we have managed to make it work. We learn to respect, not fear, that which makes us different. We share our cultures, our food, and our heritages. We do this largely because we share a common tongue. We can communicate with each other.

Last month, Charles Krauthammer published a column entitled, "What's Left of the Left" in the Washington Post. That column is reprinted in the RECORD below. Mr. Krauthammer strikes a cord that is all too familiar when he points out the increasing fracturing of American society. We are now more diverse than ever, and now more than ever, it's important that we stand together. Like it or not, we are one nation, and the future of any one race or ethnic group is directly linked to the future of all other races and ethnic groups in America. Let us go forward into the future as unified whole, not as a fractured confederation.

Unity is as American as apple pie and enchiladas. Indeed, America was born of many peoples joining together in a common goal. With the stirrings of what would later become the birth of our nation, John Dickinson wrote, "Then join hand in hand, brave Americans all! / By uniting we stand, by dividing we fall."

[From the Washington Post, December 21, 1990]

WHAT'S LEFT OF THE LEFT; AFTER SOCIALISM, AN AGENDA FOR FRACTURING AMERICAN SOCIETY

By (Charles Krauthammer)

The Committee for the Free World, the most implacable and spirited anti-Communist voice in post-Vietnam America, closed shop this week. "We've won, goodby," founder Midge Decter told The Post's E. J. Dionne. The most skeptical coroner has spoken. Communism is dead.

Another story, however, has been largely missed: socialism is dead too. At a recent gathering of the left (for a memorial tribute to radical historian William Appleman Williams), Christopher Lasch, with admirable candor, said: "We have to ask ourselves whether [Gorbachev] isn't presiding not just over the collapse of the Soviet empire but over the collapse of socialism as well. It is all very well to argue . . . that the socialist ideal was never to be confused with [Soviet-style] 'actually existing socialism.' But the whole point of Marxian socialism as distinguished from Utopian socialism, if anybody remembers, was precisely that it was not merely a speculative ideal."

Socialism, despite what Gorbachev pretends, was never the doctrine of loving thy neighbor as thyself. It is a political doctrine of class conflict rooted in a rejection of private property and a faith in "social control"—i.e., political control—of the means of production (factories, industry, etc.)

Well, the returns are in. Socialism is a prescription for economic ruin. Ruin not only where deformed by Stalinism but even where practiced with a human face. Tanzania's experiment in "African socialism" utterly destroyed a once self-sufficient economy. Even Israel's much idealized kibbutz movement faces insolvency. No serious country today looks to socialism as a model for development.

Accordingly, socialists have generally abandoned socialism and become social democrats. Social democrats want to humanize the market by attaching safety nets. A noble meliorism, but it is not socialism. It is liberalism. The socialist vision of new economic and social relations is finished.

But if socialism is finished, what's left on the left? How will it occupy its time? Judging from its recent activities, it is improvising well. Its agenda:

1) Earth. Environmentalism is a natural successor to Marxism. Europe's Green parties led the way, showing friends of the Earth the connection between opposition to development, on the one hand, and anti-nuclearism, anti-imperialism and anti-Americanism on the other.

There is a certain shamelessness in the left adopting the environment as its cause, considering * * * the undescribable environmental wreckage left by "actually existing socialism" in Eastern Europe and the Soviet Union. Environmentalism is nonetheless the perfect escape hatch for the left because it enables the left to do precisely what it tried to do under the banner of socialism: allow educated elites to tell everyone else how to live. Social control, once asserted on behalf of the working class, is now asserted on behalf of the spotted owl.

2) Peace. With the Gulf crisis, the left (with some help from the isolationist right) has been busy trying to revive the long dormant antiwar movement. But here one gets the feeling of people going through the motions, of a reflexive, almost nostalgic anti-interventionism.

After all, the last time the peace movement got terribly exercised, it was to warn the world in panicked tones of the imminence of nuclear catastrophe and of the urgent need to take as many nuclear weapos as possible out of the hands of Ronald Reagan. Now that a Third World adventurer and thug—a man who has used weapons of mass destruction in the past and has pledged to use them again—is about to get his hands on a nuclear arsenal, the antiwar left can find no "just war" reason to disarm him.

This is more than inconsistency. This is bad faith. Hence, I suspect, the weakness of the peace movement so far.

3) The Balkanization of America. This is the major project of the left in the universities, the monastic refuge to which, like a defeated religious order, the radical left has retreated.

* * * * *

How? By proclaiming and championing a new oppressed, no longer the bloated and ungrateful working classes, but a new class of carefully selected ethnic and gender groups. Blacks, Hispanics, women, homosexuals, Native Americans—the list is long, the bids are open—are now wards of the left.

In their name is launched an all-out assault, first, on America's cultural past. As Prof. John Searle points out in the New York Review of Books (Dec. 6), the demand is not just for an expansion of the West's cultural canon to include works by women or people of color, but the destruction of this canon as representative of a white male-dominated system of cultural oppression.

So much for Western Civ. The other attack—on common citizenship—consists of the division of Americans into a hierarchy of Legally preferred groups based on race and gender. From Canada to Lebanon, every other multi-ethnic society that has attempted such tribal stratification has come to grief. (Canada hangs by a thread, Lebanon has been shredded.) No matter. The left, helped by a nobly motivated but intellectually bankrupt "civil rights community," would march us just that way.

Of the three projects, Balkanization is the most serious. America will survive both Saddam and the snail darter. But the setting of one ethnic group against another, the fracturing not just of American society but of the American idea, poses a threat that no outside agent in this post-Soviet world can hope to match.

CONGRATULATIONS ON NIRPC'S 25TH ANNIVERSARY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 1991

Mr. VISCLOSKY. Mr. Speaker, I would like to take this opportunity to commemorate the 25th anniversary of the Northwestern Indiana Regional Planning Commission [NIRPC].

Since its inception in 1966, as the Lake-Porter County Regional Transportation and Planning Commission, NIRPC has played a vital role in the planning and coordination of northwest Indiana's public works' policy. NIRPC's role coordinating the often disparate interests and needs of various local governments through thoughtful planning for the future has improved the lives of every person that lives or passes through our area.

Their fine work on the Little Calumet River flood control project and the revitalization of the south shore's commuter service are only two examples of their importance to our community. There is little doubt that northwest Indiana would suffer without NIRPC's technical expertise.

We in northwest Indiana are keeping an eye on the future as we reflect on the success of NIRPC's past 25 years. As we enter the last decade of the 20th-century northwest Indiana is planning to boldly enter the 21st century with a coordinated mass transit and highway infrastructure, a more productive and diversified economy, and a better quality of life for its residents. NIRPC's vision and expertise will help guide our area into a prosperous decade and a successful future.

I would be remiss if did not mention just a few of the people who have made NIRPC's first 25 years such a great success and guarantee at least another quarter century of accomplishment. The commission's first chairman, Dr. Joseph J. Forszt, and vice chairman, Virgil O. King, secretary William L. Staehle, executive director, Norman E. Tufford were essential in establishing and guiding the organization. NIRPC is currently under the direction of chairman, Mayor David Butterfied, vice-chairman, Mayor Elmo Gonzales, secretary, Karen Hughes, executive director, Jim Ranfranz—who served at NIRPC's inception as deputy director—and deputy director, Dan Gardner. The wide array of talent and ideas of these individuals and countless others has developed NIRPC's focus and promises its future success.

MAURICE STARR DAY IN THE DISTRICT OF COLUMBIA

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 1991

Mr. DELLUMS. Mr. Speaker, It gives me great pleasure to bring to the attention of my colleagues the wonderful work of famed record producer, Maurice Starr. Thursday, January 17, 1991, will be named "Maurice Starr Day" in the District of Columbia.

This day is being proclaimed in honor of Maurice Starr, better known as the General, in order to salute him for his efforts in making children's dreams come true and for his stong desire to maintain and continue to build entertainment empires in urban areas.

Born Larry Curtis Johnson, Maurice Starr is a musical genius and a multiformat hit maker who plays 40 different instruments. Coming from a musical family, entertaining comes naturally to Starr. In addition to writing and producing the songs his acts record, Starr creates the acts, trains, manages, stages, markets, promotes, and grooms the acts for major stardom. It is no wonder that he is responsible for the formulation of some of today's hottest groups, such as, New Edition, Perfect Gentlemen and New Kids on the Block.

Mr. Speaker, I know my colleagues will want to join me in extending our best wishes to Maurice Starr; a man that has made it a point to always give back to the community by pro-

viding the opportunity for stardom to urban area youths.

NATIONAL VOLUNTARY HEALTH CARE ACT

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 1991

Mr. LAGOMARSINO. Mr. Speaker, it is estimated there are 32 to 37 million Americans without any form of health insurance. In addition, there are approximately 18 million Americans with minimal health care coverage.

The needs of the uninsured and the necessity of coping with the demand for long-term care are, at least in my estimation, the most pressing health care issues facing the country today. Because the cost of health insurance continues to skyrocket, there is a definite need to redefine our health care system so that the needs of all Americans are met.

I believe everyone should have access to decent and affordable health care. That is why I am reintroducing the National Voluntary Health Insurance Act. This measure is based on the system which is currently operating successfully in British Columbia, Canada. The plan would provide total coverage of all necessary medical and hospital care, without limits, exclusions or deductibles, for all Americans at about the same cost to the Government as the estimated present and projected cost of Medicare and Medicaid, which would be replaced.

I believe the program would provide a practical and effective means of stopping the present rapid inflation in hospital costs by greatly reducing administrative and malpractice insurance costs. I urge my colleagues to join with me by cosponsoring this vitally needed legislation.

ANNIVERSARY OF UKRAINIAN INDEPENDENCE

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 1991

Mr. HERTEL. Mr. Speaker, I rise today to mark the occasion of the 73d anniversary of the proclamation of Ukrainian independence—January 22, 1918. This event will be recognized by many of my constituents in Michigan on Sunday, January 20.

This year's celebration will be of particular significance since this is a time of great anxiety for Ukrainian people throughout the world. Their struggle for independence from the unyielding Soviet regime has escalated dramatically in the last year, and specifically in the last week. The ethnic Russians living in the Ukraine have threatened to disrupt any events connected to this celebration, and efforts to reestablish Ukrainian sovereignty. In view of these circumstances, it is crucial for us as Members of the United States Congress to express our support for the Ukrainian people. Their commitment to human rights and the ideals of liberty and democracy are an inspiration to the world community.

My dear colleagues, please join me in recognizing this important anniversary celebration. Moreover, I ask you to give serious thought to the events currently unfolding in the Ukraine and the effect these may have on peace and stability in the post-cold-war world.

A WORLD RECORD ACHIEVEMENT—IN PEORIA

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 1991

Mr. MICHEL. Mr. Speaker, occasionally we come across events whose significance transcends the specific facts of the matter. Such events are rare, but when they do occur, they are worth noting.

Such an event happened on November 23, 1990. On that date, the Peoria Rivermen professional hockey team of Peoria, IL, a triple A franchise of the National Hockey League St. Louis Blues, set a record no other team has ever achieved in the history of professional hockey—by winning 18 consecutive games in league competition.

This world record of 18 consecutive wins surpassed the previous record of 16 wins by the American Hockey League Baltimore Skipjacks during the 1984–85 season and 15 consecutive wins by the National Hockey League New York Islanders during the 1981–82 season.

This record was achieved by a team in the second year of private ownership after faltering under local government operation. Mr. Bruce Saurs, a local businessman, purchased the Rivermen after the threat of disbandment due to lack of attendance, but Mr. Saurs proved once again that the free enterprise system is alive and well in Peoria. In a larger sense, this achievement is the kind of thing that reminds us that Americans, in an increasingly competitive world, can't be satisfied by merely doing the usual. We have to have the attitude shown by the Rivermen, an attitude that breaks records, sets standards, and inspires us all. My congratulations go to the players, the coach, the owners, and all those connected with this fine accomplishment.

THE ACHIEVEMENTS OF ALAN FRIEDMAN

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 1991

Mr. LEVINE of California. Mr. Speaker, I would like to bring the outstanding accomplishments of a dear friend, Mr. Alan Friedman, to my colleague's attention.

Alan Friedman served as the president of the Bet Tzedek, a free legal services provider to low income and senior citizens of Los Angeles County, from September 1989 to September 1990. In addition to his excellent service as Bet Tzedek president, Alan is a former Bet Tzedek vice president and 7-year board member.

Bet Tzedek gained statewide recognition for its new Home Equity Fraud Prevention Task Force, which pursues legislative, legal, and community education approaches to stemming the tide of home equity fraud perpetrated on the elderly. The Los Angeles Times featured Bet Tzedek in an editorial regarding the work it has done in this area.

Furthermore, Bet Tzedek initiated its housing conditions action team designed to transform some of the worst housing conditions in Los Angeles through aggressive outreach, negotiation and litigation. Bet Tzedek continued to win over 90 percent of its contested cases.

In addition to being a superb lawyer and having a fabulous wife, Susan, and two great daughters, Joanna and Katie, Alan has also played a leading role in Los Angeles civic affairs. Among a host of significant positions, Alan served as president of the Los Angeles Board of Civil Service Commissioners, a president-elect of the Constitutional Rights Foundation, and labor relations counsel to the Los Angeles Olympic Organizing Committee.

Alan has demonstrated a sincere and generous commitment to public service. We can all be proud of his impressive achievements and the extraordinary example Alan has set for the entire community.

FREEDOM FOR THE BALTICS

HON. TOM CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 1991

Mr. CAMPBELL of California. Mr. Speaker, the action by the Soviet authorities in Lithuania parallels the action of their Stalinist forebears in 1956. When the world's attention was then focused on the Suez crisis, Soviet tanks rolled into Hungary to suppress the flame of freedom that had just sparked to life there. Now, as the world looks to the Middle East once again, cynical Soviet leaders use the occasion to suppress freedom in Lithuania. What makes this all the more appalling is that Gorbachev had promised freedom to Lithuania, if Lithuania would only follow the steps outlined in the union documents. It now appears that his statements may well have been a sham; a lie to buy time until the world's attention was directed elsewhere.

What must Americans to? We must not turn our heads. As crucial as the successful outcome of the crisis in the Persian Gulf may be, the cause of freedom is no less important in Vilnius than it is in Kuwait City. The only hopeful sign in the Soviet Union is that presidents of other constituent republics, notably Boris Yeltsin of the Russian Federation, have condemned the brutal use of force. We must strengthen the hand of those of similar views within the U.S.S.R.—and the best way to do this is to say that economic rapprochement with the West hangs in the balance. Gorbachev cannot succeed if his economy fails.

Mr. Speaker, the United States has just announced generous export credits granted to the Soviet Union so that they can purchase American food in their present economic con-

ditions. Those credits should be terminated at once. Today, I am introducing legislation to cut off this assistance. The people of the Soviet Union will soon know that their food lines are a little longer because of what their leaders have done in Lithuania. And we must continue to push in other ways as well for the full freedom of Lithuania, Latvia, and Estonia.

In the debate just concluded in this Congress concerning the Persian Gulf, frequent reference was made to the lessons of World War II. How cruelly apt these lessons are for the Baltics as well. Taken prisoner first by Stalin's Russia, then by Hitler's Gemany, Lithaunia, Latvia, and Estonia still have no freedom. Let us learn all the lessons of World War II. Let the call be as loud "Freedom for the Baltics!" as it has been "Freedom for Kuwait!"

VIOLENCE IN THE BALTIC STATES

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 1991

Mr. McDADE. Mr. Speaker, while the attention of the world is focused on the Persian Gulf, we must not overlook the bloody military assault on the freedom-loving people of Lithuania and Soviet suppression in the Baltic States of Latvia and Estonia.

We must make it clear that the people of the United States deplore the attack Sunday that killed 14 peaceful protesters in Lithuania and injured 230 others. The United States and the rest of the free world must stand united in opposition to this powerful Soviet offensive against democracy.

President Bush is correct in condemning the violence in Lithuania and warning the Soviets that our relations with them could be affected. The upcoming summit with the Soviets, our trade relationship, and United States economic assistance should be reconsidered in light of the crackdown in the Baltic States.

We all rejoiced at the advance toward democracy during the past couple of years in Eastern Europe and the movement toward a more open society in the Soviet Union. It is most alarming and distressing that the independence movement is being squelched with tanks and military might. Bloodshed and suppression are not to be tolerated, and the Soviet leadership must be held accountable.

At a time when the United States is fighting aggression in the Persian Gulf, we must also stand firmly behind the rights of the people of Lithuania, Latvia, and Estonia to affirm their independence. I speak today to express my outrage and that of the people of northeastern Pennsylvania to the violence in the Baltic States.

CONGRATULATIONS TO CLEVELAND HEIGHTS HIGH SCHOOL NATIONAL MERIT SEMIFINALISTS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 1991

Mr. STOKES. Mr. Speaker, I am proud to rise today to salute students from Cleveland Heights High School which is located in my congressional district. Twelve students from Cleveland Heights High were recently named National Merit semifinalists, after receiving high marks on the Scholastic Aptitude Test. This represents the highest number of semifinalists for any public school in Ohio.

I join the community in saluting these students and recognizing this outstanding achievement. I would also take this opportunity to commend Cleveland Heights principal, Charles M. Shaddow, and his faculty for their commitment to academic excellence. The selection of 12 merit semifinalists from the school certainly exemplifies that commitment. I wish Principal Shaddow, his faculty and students much continued success.

NATIONAL MERIT SEMIFINALISTS

Andrea Bresky
Romin Dickey
Rachel Fogel
Xantha Karp
Sharon Kutnick
David Maris
Lydia Neilsen
Michael Pelsmajer
Beth Phillips
Josh Rakow
Mark Richardson
Steven Trost

NATIONAL MERIT COMMENDED STUDENTS

Dudley Battle
Ian Blevans
Eric Frew
Joseph Iorillo
Roman Lasek
Susan McGowan
Pamela Morales
Julie Roth
Caitlin Sedwick
Sara Seidel
Robert Weinmann
Elizabeth Winston
Dallas Wood

NATIONAL ACHIEVEMENT SCHOLARSHIP PROGRAM FOR OUTSTANDING NEGRO STUDENTS

Lori Lake
Anika Simpson

NATIONAL HISPANIC SCHOLAR AWARDS PROGRAM

Michael Pelsmajer

STOP THE VIOLENCE IN LITHUANIA

HON. BEVERLY B. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 1991

Mrs. BYRON. Mr. Speaker, I rise today to express deep concern over the recent use of military force in Lithuania. The use of force to suppress freedom of speech in any circumstance is cause for concern, but in this case my concern is too great for me to remain silent. I just returned from spending an entire week in Moscow with four of my colleagues. By coincidence, Soviet tanks and paratroopers just happened to converge on Vilnius during my stay. My colleagues and I did not receive any word on Soviet troop movements from either soviet or American officials. Not one word.

According to the Soviet military, the troops were sent to enforce the military draft laws. By its actions this past weekend, the Soviet military demonstrated the true reason and purpose for its presence. President Gorbachev has denied ordering the attack as has Defense Minister Yazov. While this may be true, neither man can escape ultimate responsibility for what occurred in Vilnius and what is likely to occur in Tallinn and Riga. President Gorbachev must understand that the dramatic events in Eastern Europe in 1989 are still fresh in the minds of his countrymen.

Further military suppression of such efforts will only stoke the fire of independence and cost the Soviet Government any and all support from the civilized Free world. Over the past several years President Gorbachev has driven the Soviet Union down the road to reform. He is now approaching a fork in the road, and he faces a difficult decision. Let us hope he continues down the road to reform. A road which would end 50 years of injustice to the Baltic people.

THE EMERGING TELECOMMUNICATIONS TECHNOLOGY ACT OF 1991

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 1991

Mr. MARKEY. Mr. Speaker, I am pleased today to join Chairman JOHN DINGELL in introducing the Emerging Telecommunications Technology Act of 1991.

Today, advances in telecommunications technologies are creating new opportunities for American businesses and exciting new services for the American consumer. The radio frequency spectrum or airwaves, are the lifeblood of these critical technological advances. Industries which rely on the spectrum—such as television and radio broadcasting, pagers, cellular telephone, shortwave radio, garage door openers, and satellite transmissions—together generate more than $100 billion in annual revenues.

Unfortunately, the commercial application of many of these technologies is threatened by the lack of available spectrum.

The FCC has reported that almost all of its usable spectrum, allocated for commercial activities, is currently assigned and heavily used. However, at the same time, a substantial portion of the spectrum allocated to the Federal Government, primarily the military, is underutilized.

This creative legislation should have become law last year. As many of you know, similar legislation was approved unanimously by the House last session but unfortunately

fell hostage to the administration's budgetary posturing on peripheral issues. Hopefully, such shortsightedness will not prevent the swift passage of this critical piece of legislation this year.

The bill we are introducing today would require the Secretary of Commerce to identify 200 MHz of radio frequency spectrum, currently assigned to the Federal Government users, for reallocation to our Nation's commercial sector and public safety activities.

The cellular industry provides a dramatic example of the economic benefits we can realize by releasing spectrum for commercial development. In 1968, the Government relinquished approximately 50 megahertz of the spectrum for cellular services. Today, the cellular industry is a $4.5 billion industry serving more than three and one half million subscribers.

Without spectrum reallocation in 1968, the United States may not have become a world leader in the cellular industry. And without additional reallocation, we will be forced to choose between important new technologies such as HDTV and microcell communications, and among competing nonfederal interests, particularly from public safety users.

Even though the FCC, under Chairman Al Sikes is moving aggressively and taking positive steps to create the regulatory environment conducive to the maximum technological and economic progress possible, we need the additional radio spectrum that this legislation would reallocate to ensure that the United States fully invests in its technological future. While the FCC is bogged down in the lengthy administrative process attempting to best allocate the scarce spectrum between equally worthwhile applications, our competitors, particularly Japan and Great Britiain, are actively making spectrum available for new technologies. The United States must establish foward looking policy initiatives to keep pace. Indeed, our future economic health may depend upon it.

A host of exciting new wireless technologies, such as "personal communications networks" where people could carry lightweight portable phones in the shirt packets and place and receive calls in conceivably any location, eagerly await the breathing space in the radio spectrum this bill would provide and they need to flourish. We need to emphasize this progrowth attitude to our domestic economic policy especially in light of the Nation's deteriorating economic situation. Moreover, if America truly wants to be a leader in the manufacturing and service of this next generation of telecommunications technologies, we need to make this important commitment to that endeavor at the present time in order to compete successfrully in the global economy in the near future.

This legislation proposes a realistic and pragmatic means of effectively allocating spectrum to help ensure robust economic growth into the 21st century. It encourages the Government to employ more efficient spectrum management techniques and to free some of the unused and underrutilized spectrum for ressignment to emerging commercial technologies. This legislation also provides that the President can subsititute or reclaim any Government included frequency for any national defense emergency or other reason.

Our objective today is to meet the Government's current needs and weigh them carefully against industry's increasing needs and, develop a policy that both provides for America's national security needs and fuels economic growth into this decade and beyond.